SUMMARY STATEMENT

ITEM NO.         SUBJECT:  Modification of DRPA Contract Document Language

COMMITTEE:       Executive

COMMITTEE MEETING DATE:  April 15, 2009

BOARD ACTION DATE:  June 10, 2009

PROPOSAL:    That the Board authorizes staff to modify the existing DRPA Contract document language substantially as set forth in the attached memorandum.

BACKGROUND:  DRPA has utilized a standard set of contract documents for its construction contracts for some years. That language has been modified from time to time to address changes in the law and changes in bidding procedures. Staff would like to change the contract document language to accomplish two purposes: first, in order to clarify what elements are covered by the phrase “Prevailing Wage” which is already included in the contract documents. We have been advised by counsel that both New Jersey and Pennsylvania regard Prevailing Wage as including (i) Base Wage, (ii) Health Care, and (iii) Pension. Each State permits an employer to meet the Prevailing Wage requirement in a variety of ways, but the total payment must equal or exceed the total State requirement for the three categories. Second, we wish to assure that workers performing work on DRPA and PATCO facilities will be properly trained and qualified and to that end we suggest including an Apprenticeship provision in the contract documents. Contractors wishing to bid on DRPA and PATCO projects would be able to obtain information on available apprenticeship programs, open to all contractors, through the Pennsylvania and New Jersey offices of the United States Department of Labor, Apprenticeship and Training Office.

SUMMARY:  
Amount:  N/A  
Source of Funds:  N/A  
Capital Project #:  Not Applicable  
Operating Budget:  N/A  
Master Plan Status:  Not Applicable  
Other Fund Sources:  None  
Duration of Contract:  until modified  
Other Parties Involved:  United States Department of Labor
RESOLUTION

RESOLVED: That the Board of Commissioners of the Delaware River Port Authority authorizes and directs staff to modify the existing form of the DRPA construction contract documents to include language substantially similar to that shown in the attached memorandum; and be it further

RESOLVED: That the Chair, Vice Chair and Chief Executive Officer will review and must approve the modified construction contract document language before it is used in future Requests for Proposal.

SUMMARY:

Amount: N/A
Source of Funds: N/A
Capital Project #: Not Applicable
Operating Budget: N/A
Master Plan Status: Not Applicable
Other Fund Sources: None
Duration of Contract: until modified
Other Parties Involved: United States Department of Labor