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HUDSON COUNTY IMPROVEMENT AUTHORITY

IN THE MATTER OF : TRANSCRIPT OF
THE SPECIAL MEETING : PROCEEDINGS
HELD VIA ELECTRONIC MEANS :

MONDAY, AUGUST 31, 2020
830 BERGEN AVENUE, 9TH FLOOR
JERSEY CITY, NEW JERSEY

BOARD MEMBERS:

- FRANK PESTANA, CHAIRMAN
- JAMES DORAN, VICE CHAIRMAN
- NICHOLAS GOLDSACK, TREASURER
- FRANK LORENZO, SECRETARY
- FRED M. BADO, COMMISSIONER
- BRIAN DELLABELLA, COMMISSIONER
- JEFFREY DUBLIN, COMMISSIONER
- MARTIN T. MARTINETTI, COMMISSIONER
- JOHN PENEDA, COMMISSIONER

A P P E A R A N C E S:

- NORMAN M. GUERRA, CHIEF EXECUTIVE OFFICER
- KURT CHERRY, EXECUTIVE DIRECTOR/CFO
- WILLIAM J. NETCHERT, GENERAL COUNSEL
- JOSEPH CAPOZZOLI, ASSISTANT SECRETARY TO THE BOARD PRO TEM

R.J. O'CONNELL ASSOCIATES
P.O. BOX 277
CEDAR GROVE, NEW JERSEY 07009
(973) 239-7252

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ALSO PRESENT:

MICHAEL O'CONNOR, ESQUIRE, HCIA

TED DOMURACKI

LESLIE LONDON, ESQUIRE

DAVID DRUMELER

1 (The meeting commences at 5:30 p.m.)

2 CHAIRMAN PESTANA: We'll call the
3 special board meeting of the Hudson County
4 Improvement Authority to order. If everybody
5 could please rise to salute the flag.

6 (The Pledge of Allegiance is recited.)

7 CHAIRMAN PESTANA: Thank you. Roll call
8 please.

9 MR. O'CONNOR: Mr. Chairman, let me
10 recite that this is a special meeting of the
11 Hudson County Improvement Authority. A notice of
12 this meeting pursuant to the Open Public Meetings
13 Act as currently amended and pursuant to the
14 Governor's continuing executive orders regarding
15 COVID-19 and public meetings, this meeting was
16 indeed published -- notice of this meeting was
17 published in the Jersey Journal and the Star
18 Ledger. Along with the agenda items for this
19 meeting, accommodations for the public to attend
20 the meeting via Zoom technology was incorporated
21 in the notice of meeting as well as available on
22 our website. So this meeting conforms to the Open
23 Public Meetings Act.

24 CHAIRMAN PESTANA: Thank you. Roll
25 call, please.

1 MR. CAPOZZOLI: Sure. Commissioner Bado.

2 COMMISSIONER BADO: Present.

3 MR. CAPOZZOLI: Commissioner Dellabella.

4 COMMISSIONER DELLABELLA: Present.

5 MR. CAPOZZOLI: Commissioner Doran.

6 COMMISSIONER DORAN: Present.

7 MR. CAPOZZOLI: Commissioner Dublin.

8 COMMISSIONER DUBLIN: Present.

9 MR. CAPOZZOLI: Commissioner Goldsack.

10 COMMISSIONER GOLDSACK: Present.

11 MR. CAPOZZOLI: Commissioner Lorenzo.

12 COMMISSIONER LORENZO: Present.

13 MR. CAPOZZOLI: Commissioner Martinetti.

14 COMMISSIONER MARTINETTI: Present.

15 MR. CAPOZZOLI: Commissioner Peneda.

16 COMMISSIONER PENEDA: Present.

17 MR. CAPOZZOLI: Chairman Pestana.

18 CHAIRMAN PESTANA: Present.

19 MR. CAPOZZOLI: Thank you. We have a
20 quorum with all nine board members present.

21 CHAIRMAN PESTANA: Somebody --

22 MR. GUERRA: Chairman --

23 CHAIRMAN PESTANA: We have to open to
24 the public first.

25 MR. GUERRA: I'm sorry.

1 CHAIRMAN PESTANA: At this time, we'll
2 comments from the public?

3 MR. O'CONNOR: Mr. Chairman, as you
4 know, as part of the public comments, part of our
5 procedure during holding these meetings via Zoom,
6 opportunity for public comment is made either in
7 writing through email to me prior to the meeting,
8 which we will incorporate any such writing into
9 the record of the meeting. I've not received such
10 communication via email. And then also the
11 opportunity is provided for attendees of the
12 meeting to raise their hand during the public
13 comment period for the limited purpose of
14 commenting on the agenda items. And so I see the
15 attendees here. And so if any of them wish to
16 make comment, they should raise their hand now.

17 I do not see any raised hand comments,
18 so there are no comments by the public for this
19 meeting.

20 CHAIRMAN PESTANA: Okay. So the public
21 portion is now closed. Norman?

22 MR. GUERRA: Item Number 3, Resolution
23 Number 8-2020-3SBM of the Hudson County
24 Improvement Authority authorizing the rejection of
25 all price proposals received in response to the

1 Hudson County Improvement Authority request for
2 proposals for the construction for the Honorable
3 Frank J. Guarini Justice Complex and authorizing
4 the issuance of a price clarification document to
5 all qualified respondents and the receipt of new
6 final price proposals by the qualified
7 respondents.

8 As you are aware, the courthouse
9 selection committee has submitted their
10 recommendation relating to the price proposal,
11 opened and read publicly on July 31st, 2020.
12 Leslie London, our special counsel for this matter
13 will expound on the committee's recommendation.

14 MS. LONDON: Yes. Good evening,
15 everyone. Very briefly, when we received the
16 price proposals back on July 31st, it was evident
17 that -- actually, we opened them, I should say --
18 it was evident that the prices had exceeded the
19 estimated budget for the project. What we
20 decided -- what the committee decided to do
21 initially was to reach out to each of the
22 respondents and to try to obtain further
23 information concerning their pricing and
24 methodology. We issued, on August 4th, a request
25 for clarification regarding price proposal. And

1 based on the responses that were received from
2 that submission from the three respondents, it
3 appears that there might have been some ambiguity
4 or inconsistencies that may have affected the
5 pricing.

6 So the committee came back and
7 recommended that -- they are recommending, which
8 is before you in the resolution tonight, is to
9 reject the proposals, number one, because they
10 exceed the budget, estimated budget. And to
11 provide the clarification information that was put
12 together by the technical team to lay out some of
13 the areas that were perceived to be possible
14 inconsistencies or ambiguities that may have
15 affected the pricing and maybe we didn't get
16 accurate pricing. And to request that each of the
17 three respondents be permitted an opportunity to
18 provide a final price proposal.

19 The technical evaluation would remain
20 the same. The process in evaluating the price
21 proposal would also remain the same, 50-50,
22 regarding the technical part and the price
23 proposal. And we ask that you approve, number
24 one, as I mentioned the recommendation to reject
25 the proposals, to author -- to approve the

1 issuance of this clarification document to the
2 three respondents, and to have the three
3 respondents submit a final price proposal, which
4 will be reviewed and evaluated. And we can take
5 it from there once the proposals come back.

6 CHAIRMAN PESTANA: Thank you. Does
7 anybody have any questions?

8 COMMISSIONER GOLDSACK: Yeah, I have a
9 question. Were the ambiguities with all three
10 respondents?

11 MS. LONDON: I may turn that over to Ted
12 because it was more of a technical -- we asked
13 probably twenty some odd questions trying to get
14 at how they priced certain items for the project.
15 And based on that -- on the responses that came
16 back, the technical people thought that -- it was
17 brought to their attention that there was some
18 potential inconsistency.

19 The specific -- I think we have a two
20 page document that provides specifically what
21 those perceived inconsistencies are.

22 COMMISSIONER GOLDSACK: Okay.

23 CHAIRMAN PESTANA: Thank you. Anyone
24 else have any questions? Okay. Do we have my
25 motions on this?

1 COMMISSIONER GOLDSACK: Motion.

2 CHAIRMAN PESTANA: Okay. We have a
3 motion by Commissioner Goldsack.

4 COMMISSIONER DELLABELLA: Second.

5 CHAIRMAN PESTANA: Second by
6 Commissioner Dellabella. Thank you.

7 MR. CAPOZZOLI: Commissioner Bado.

8 COMMISSIONER BADO: Yes.

9 MR. CAPOZZOLI: Commissioner Dellabella.

10 COMMISSIONER DELLABELLA: Yes.

11 MR. CAPOZZOLI: Commissioner Doran.

12 COMMISSIONER DORAN: Yes.

13 MR. CAPOZZOLI: Commissioner Dublin.

14 COMMISSIONER DUBLIN: Yes.

15 MR. CAPOZZOLI: Commissioner Goldsack.

16 COMMISSIONER GOLDSACK: Yes.

17 MR. CAPOZZOLI: Commissioner Lorenzo.

18 COMMISSIONER LORENZO: Yes.

19 MR. CAPOZZOLI: Commissioner Martinetti.

20 COMMISSIONER MARTINETTI: Yes.

21 MR. CAPOZZOLI: Commissioner Peneda.

22 COMMISSIONER PENEDA: Yes.

23 MR. CAPOZZOLI: Chairman Pestana.

24 CHAIRMAN PESTANA: Yes.

25 MR. CAPOZZOLI: The resolution passes in

1 the affirmative with all nine board members voting
2 yes.

3 CHAIRMAN PESTANA: Thank you. Is there
4 any other business?

5 MR. GUERRA: We have no other business,
6 the only item on the agenda for the special board
7 meeting. And, again, I appreciate everyone's
8 availability.

9 CHAIRMAN PESTANA: Yes, thank you,
10 everyone. So with that, do we have a motion to
11 adjourn? All in favor? Thank you.

12

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14 (Whereupon the meeting was adjourned at
15 5:41 p.m.)

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C E R T I F I C A T E

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6 I HEREBY CERTIFY that the foregoing is a
7 true and accurate transcript of the testimony and
8 proceedings as taken stenographically by me at the
9 time, place, and on the date hereinbefore set
10 forth.

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12
13 *Susan Bischoff*

14 SUSAN BISCHOFF, CCR, RPR
15 LICENSE NO. 30XI00233700
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