

Gateway Development Commission  
Regular Meeting of the Board  
In-Person (New York)

February 3, 2025

MINUTES

The following Commissioners were present:

**NEW JERSEY**

Balpreet Grewal-Virk, Co-Chair  
Amy Rosen  
Janine Bauer

**NEW YORK**

Alicia Glen, Co-Chair  
Jamey Barbas

**AMTRAK**

Anthony R. Coscia, Vice Chair

**I. Call to Order**

The public meeting was called to order by Co-Chair Glen at approximately 12:00 PM.

Co-Chair Glen advised that public comments were being solicited in-person and virtually and audio of the meeting was being live streamed from the Gateway Program website.

Co-Chair Glen noted that the Commission was continuing to solicit virtual comments, and that a form for soliciting these comments was posted on the Gateway Program website for those who wished to submit a comment for today's meeting.

Acting Secretary Anderson conducted a roll call and confirmed that all Commissioners were present except for Commissioner Dominguez, and that there was a quorum.

Acting Secretary Anderson stated that adequate notice of today's public meeting of the Board of Commissioners of the Commission had been provided in accordance with the Commission's enabling legislation.

**II. Report on Minutes of the January 16, 2025 Meeting**

Acting Secretary Anderson reported that copies of the Minutes of the meeting of January 16, 2025 were delivered in electronic form to the Governors of New York and New Jersey on January 16, 2025, and that the time for action by the Governors of New York and New Jersey expired at midnight on January 31, 2025, at which time the actions recorded in the Minutes went into full force and effect.

**III. Gateway Program Update**

The Commission's Acting Chief Technical Officer, Hamed Nejad, provided an update on the projects within the Hudson Tunnel Project under construction, and a summary of the Manhattan Tunnel project to be awarded a contract. Deputy Chief of Procurement Anthony Gardner provided an update on the procurement for the Manhattan Tunnel Project.

Following the presentation, Co-Chair Glen thanked Mr. Nejad and Mr. Gardner for the update, and there were no questions or comments from the Board.

**IV. Public Comments**

Co-Chair Glen announced that the Commission had solicited virtual comments from the public in advance of, and during, today’s meeting. She indicated that a form for soliciting these comments was posted to the Gateway Program website and was available throughout today’s meeting.

There was one (1) written comment received by 5:00 PM on February 2, 2025:

Commenter	Topic
Joshua Berman, Regional Plan Association	Hudson Tunnel Project

Co-Chair Glen noted that all written comments received by 5:00 p.m. on February 2, 2025 before the meeting were distributed to the Board, posted on the Gateway Program website, and would be filed in the Commission’s records after the meeting.

The following individuals provided in-person public comments during the February 3, 2025 Board Meeting:

Commenter	Topic
Joshua Berman, Regional Plan Association	Hudson Tunnel Project
Sam Turvey, Rethink NYC	Hudson Tunnel Project
Krowker Direny, Around the World LLC	Theft Prevention
Joseph Clift	Hudson Tunnel Project
Christopher Boylan, General Contractors Association	Hudson Tunnel Project

There was one written comment received on the day of the meeting from the following:

Commenter	Topic
Maddie DeCerbo, REBNY	Hudson Tunnel Project

**V. Action Items**

**#0225-01: Authorization of Award of Contract GDC-25-007-HTP, Performance of Expert Professional Design-Build Services for the Manhattan Tunnel Project**

The Board acted on this referenced action item, enclosed herewith. Commissioners did not have any comments on this Resolution. Vice Chair Coscia made a motion, and Commissioner Rosen seconded the motion. The Resolution was approved. The roll call vote is referenced in the attached Resolution.

**#0225-02: Approval of Market Case Estimate for the Manhattan Tunnel Project**

The Board acted on this referenced action item, enclosed herewith. Commissioner Rosen made a motion, and Vice Chair Coscia seconded the motion. The Resolution was approved. The roll call vote is referenced in the attached Resolution.

**#0225-03: Hudson Tunnel Project – Manhattan Tunnel Project – Authorization to Execute Modified Memorandum of Understanding to Project Labor Agreement**

The Board acted on this referenced action item, enclosed herewith. Vice Chair Coscia made a motion, and Co-Chair Grewal-Virk seconded the motion. The Resolution was approved. The roll call vote is referenced in the attached Resolution.

**#0225-04: Hudson Tunnel Project – New Jersey Surface Alignment (P3) Project – Authorization of Stipend Program**

The Board acted on this referenced action item, enclosed herewith. Commissioner Bauer made a motion, and Commissioner Rosen seconded the motion. The Resolution was approved. The roll call vote is referenced in the attached Resolution.

**VI. Adjournment**

Co-Chair Glen noted that there was no further business to conduct and then motioned to adjourn the meeting. Upon the motion being duly made by Co-Chair Glen and seconded by Commissioner Rosen the meeting was adjourned at approximately 12:35 PM.

Respectfully submitted,

/s/ Maria C. Anderson  
Maria C. Anderson, Acting Secretary

**#0225-01: AUTHORIZATION OF AWARD OF CONTRACT GDC-25-007-HTP, PERFORMANCE OF EXPERT PROFESSIONAL DESIGN- BUILD SERVICES FOR THE MANHATTAN TUNNEL PROJECT**

To help ensure the functionality of intercity and commuter rail infrastructure between the State of New Jersey (“**New Jersey**”) and the State of New York (“**New York**”) and throughout the Northeast Corridor (the “**NEC**”), New Jersey and New York created the Gateway Development Commission (“**GDC**”) through the enactment of parallel legislation by each state codified as the Gateway Development Commission Act (2019 N.Y. Laws, Ch. 108 and N.J.S.A. 32:36-1, et seq.) (collectively, the “**GDC Act**”).

The GDC Act empowers the Commission to "enter into, execute and deliver contracts and agreements and other documents and instruments as may be necessary or appropriate to carry out any power of the Commission under this act and to otherwise accomplish any lawful purpose which the commissioners determine will Facilitate the Project, including, without limitation, with the federal government, the state of New Jersey, any local government thereof, the state of New York, with any local government thereof, with any agency, instrumentality, department, commission or authority of any one or more of the foregoing, any bi-state agency, Amtrak, any individual or private firm, entity or corporation, or with any one or more of them." 2019 N.Y. Laws, Ch. 108, Section 2(7)(e); N.J.S.A. 32:36-8(e).

Section 3.06 of the GDC Bylaws provides that “[t]he Board may delegate in whole or in part any power, authority, discretion or obligation to any Officer, in each case to the extent to which the Board deems appropriate.”

Accordingly, on February 3, 2023, New Jersey, New York, the National Railroad Passenger Corporation (“**Amtrak**”), and GDC (collectively, the “**PDA Parties**”) entered into an Agreement (the “**Project Development Agreement**” or “**PDA**”) in order to establish their respective roles and responsibilities with respect to the funding, financing, right-of-way acquisition, procurement, delivery, and operation of the Hudson Tunnel Project (“**HTP**”).

As further described in the PDA, the HTP has been organized into certain work packages, which may be updated or changed from time-to-time. The Manhattan Tunnel Project (the “**Manhattan Tunnel Project**”) is a work package of the HTP, to be performed primarily pursuant to a design-build contract and includes but is not limited to the following work located entirely in New York: (a) grouting from within 12th Avenue and Temporary Access Shafts and/or street-levels, (b) designing and advancing SEM tunneling operations, including (i) SEM sequences, procedures, and incremental excavation advance lengths; (ii) sizing SEM tunnel geometries to accommodate future TBM operations; (iii) removal of encountered obstructions (e.g., timber piles and abandoned steel pile foundations); and (iv) installation of required initial ground support systems, (c) beneath 12<sup>th</sup> Avenue/Route 9A, infilling completed SEM tunnels and Temporary Access Shaft access shafts with controlled low strength materials and soil backfill materials, (d) constructing a final cast-in-place reinforced concrete tunnel liner between the east side of 12th Avenue Shaft and the interface with HYCC-3.

On August 31, 2023, a Request for Qualifications GDC23-005 was issued by GDC soliciting Statements of Qualifications (“**SOQ**”) from entities interested in designing and constructing the Manhattan Tunnel Project. SOQs were submitted from the following three (3) firms: Frontier Kemper Constructors Tutor Perini JV, Gateway Tunnel Partners (JV between Halmar and FCC Construction) and Walsh, Skanska, Traylor JV. On August 1, 2024, GDC issued a federally compliant Request for Proposals GDC23-005 to these three (3) firms to provide design and construction services. Proposals were received on November 22, 2024 from all three (3) firms. The proposals were reviewed by an Evaluation Panel consisting of technical experts and representatives of GDC, the State of New York, NJ TRANSIT Corporation, the Port Authority of New York and New Jersey, and Amtrak. The Evaluation Panel selected Frontier-Kemper-Tutor-Perini JV

*Adopted 2/3/2025*

through a competitive evaluation of technical and price proposals (together, with the Contract Documents issued as part of the RFP process, referred to as (“**Contract GDC-25-007-HTP**”)).

Article 12.05 of the PDA permits a contractor to propose an alternative technical concept (“ATC”) subject to review by the GDC Technical Standards Committee, and recommendation to the Board. The PDA requires all ATCs recommended for award at the conclusion of the procurement process be subject to the approval of the GDC Board at such time.

Pursuant to the foregoing report, the following resolutions were adopted, with Co-Chair Glen, Co-Chair Grewal-Virk, Vice Chair Coscia, Commissioner Bauer, Commissioner Barbas, and Commissioner Rosen voting in favor:

**RESOLVED**, that the GDC Chief Executive Officer is authorized to enter into Contract GDC-25-007-HTP with Frontier-Kemper-Tutor-Perini JV at the Contract Price of \$1,177,700,000 and further authorizing an additional amount equal to twenty percent (20%) of the Contract Price for contingencies (“Contingency”).

**RESOLVED**, that the GDC Board authorizes Frontier-Kemper-Tutor-Perini JV's alternative technical concept ATC#1 consisting of vertical ground stabilization in Route 9A / 12th Avenue and digger shields for tunnel mining and temporary shaft elimination.

**RESOLVED**, that the GDC Chief Executive Officer is delegated the responsibility and authority to authorize and approve, without further Board approval, any amendments or change orders to Contract GDC-25-007 that do not exceed an increase in the Contract Price by 10% and do not exceed 50% of the Contingency; and further that the GDC Chief Executive Officer is delegated the responsibility and authority to authorize and approve any amendments or changes to Contract GDC-25-007 utilizing the remaining 50% of Contingency provided however that the CEO may not take such action without Board approval to increase Contract GDC-25-007 where the amount of the amendment or change order is in excess of \$10,000,000.

**RESOLVED**, that the GDC Chief Executive Officer is authorized to issue a notice to proceed for Contract GDC-25-007-HTP, and take any and all other actions consistent with this resolution, and to make, execute, and deliver in the name and on behalf of GDC, Contract GDC-25-007-HTP, and to take all other steps necessary to comply with the terms and conditions of Contract GDC-25-007-HTP.

**RESOLVED**, that the GDC Chief Executive Officer is authorized to take any and all other actions consistent with this resolution, and to make, execute, and deliver in the name and on behalf of GDC, Contract GDC-25-007-HTP, and to take all other steps necessary to effectuate, enforce and/or comply with the terms and conditions of Contract GDC-25-007-HTP.

## #0225-02: APPROVAL OF MARKET CASE ESTIMATE FOR THE MANHATTAN TUNNEL PROJECT

To help ensure the functionality of intercity and commuter rail infrastructure between New Jersey and New York and throughout the Northeast Corridor (the "**NEC**"), the State of New Jersey ("**New Jersey**") and the State of New York ("**New York**") created the Gateway Development Commission ("**GDC**") through the enactment of parallel legislation by each state codified as the Gateway Development Commission Act (2019 N.Y. Laws, Ch. 108 and N.J.S.A. 32:36-1, et seq.) (collectively, the "**GDC Act**").

The GDC Act empowers the Commission to "enter into, execute and deliver contracts and agreements and other documents and instruments as may be necessary or appropriate to carry out any power of the Commission under this act and to otherwise accomplish any lawful purpose which the commissioners determine will Facilitate the Project, including, without limitation, with the federal government, the state of New Jersey, any local government thereof, the state of New York, with any local government thereof, with any agency, instrumentality, department, commission or authority of any one or more of the foregoing, any bi-state agency, Amtrak, any individual or private firm, entity or corporation, or with any one or more of them." 2019 N.Y. Laws, Ch. 108, Section 2(7)(e); N.J.S.A. 32:36-8(e).

On February 3, 2023, New Jersey, New York, the National Railroad Passenger Corporation ("**Amtrak**"), and the Gateway Development Commission ("**GDC**") (collectively, the "**PDA Parties**") entered into an agreement (the "**Project Development Agreement**" or "**PDA**") in order to establish their respective roles and responsibilities with respect to the funding, financing, right-of-way acquisition, procurement, delivery, and operation of the Hudson Tunnel Project ("**HTP**").

As further described in the PDA, the HTP has been organized into certain work packages, which may be updated or changed from time-to-time. The Manhattan Tunnel Project (the "**Manhattan Tunnel Project**") is a work package of the HTP, to be performed pursuant to a design-build contract and includes but is not limited to the following work located entirely in New York: (a) grouting from within 12th Avenue and Temporary Access Shafts and/or street-levels, (b) designing and advancing SEM tunneling operations, including (i) SEM sequences, procedures, and incremental excavation advance lengths; (ii) sizing SEM tunnel geometries to accommodate future TBM operations; (iii) removal of encountered obstructions (e.g., timber piles and abandoned steel pile foundations); and (iv) installation of required initial ground support systems, (c) beneath 12<sup>th</sup> Avenue/Route 9A, infilling completed SEM tunnels and Temporary Access Shaft access shafts with controlled low strength materials and soil backfill materials, (d) constructing a final cast-in-place reinforced concrete tunnel liner between the east side of 12th Avenue Shaft and the interface with HYCC-3.

Subject to approval of the GDC Board of Commissioners, GDC staff have calculated the Market Case Estimate for the Manhattan Tunnel Project based on bid pricing in accordance with the terms of the PDA. The Market Case Estimate is \$1,835,009,534 and includes all final negotiated costs and contingencies related to the construction and delivery of the Manhattan Tunnel Project.

Pursuant to the foregoing report, the following resolutions were adopted, with Co-Chair Glen, Co-Chair Grewal-Virk, Vice Chair Coscia, Commissioner Bauer, Commissioner Barbas, and Commissioner Rosen voting in favor:

*Adopted 2/3/2025*

**RESOLVED**, that the GDC Board of Commissioners hereby approves the attached Market Case Estimate for the Manhattan Tunnel Project.

**EXHIBIT A**

**MARKET CASE ESTIMATE**

Manhattan Tunnel Project

**(“Manhattan Tunnel Project”)**

<b>Market Case Estimate for Palisades Project</b>	<b>Estimate (\$M)</b>
Construction, Mandatory Mitigations, Professional Services, ROW, Permits, and Third Party Agreements	\$1,575,804,913
Contingency – Construction and Support Costs	\$259,204,621
Total	\$1,835,009,534



**#0225-03: HUDSON TUNNEL PROJECT – MANHATTAN TUNNEL PROJECT – AUTHORIZATION TO EXECUTE MODIFIED MEMORANDUM OF UNDERSTANDING TO PROJECT LABOR AGREEMENT**

The Hudson Tunnel Project will improve resiliency, reliability, and redundancy for the busiest section of the Northeast Corridor (“NEC”) – the busiest passenger rail line in the United States. The Hudson Tunnel Project (“HTP”), for funding and financing purposes, includes the construction of a new Hudson River Tunnel between New York and New Jersey, and the rehabilitation of the existing 112-year-old North River Tunnel under the Hudson River.

The Manhattan Tunnel Project (“Manhattan Tunnel”) is part of the Hudson Tunnel Project and includes but is not limited to the following work located entirely in New York: (a) grouting from within 12th Avenue and Temporary Access Shafts and/or street-levels, (b) designing and advancing SEM tunneling operations, including (i) SEM sequences, procedures, and incremental excavation advance lengths; (ii) sizing SEM tunnel geometries to accommodate future TBM operations; (iii) removal of encountered obstructions (e.g., timber piles and abandoned steel pile foundations); and (iv) installation of required initial ground support systems, (c) beneath 12<sup>th</sup> Avenue/Route 9A, infilling completed SEM tunnels and Temporary Access Shaft access shafts with controlled low strength materials and soil backfill materials, (d) constructing a final cast-in-place reinforced concrete tunnel liner between the east side of 12th Avenue Shaft and the interface with HYCC-3.

The Gateway Development Commission (the “Commission”) is a public and government sponsored authority established by bi-state legislation (the “GDC Act”) in July 2019. The Commission is serving as the NEPA Project Sponsor and federal grant recipient for the Hudson Tunnel Project.

The GDC Act empowers the Commission to “enter into, execute and deliver contracts and agreements and other documents and instruments as may be necessary or appropriate to carry out any power of the Commission under this act and to otherwise accomplish any lawful purpose which the commissioners determine will Facilitate the Project, including, without limitation, with the federal government, the state of New Jersey, any local government thereof, the state of New York, with any local government thereof, with any agency, instrumentality, department, commission or authority of any one or more of the foregoing, any bi-state agency, Amtrak, any individual or private firm, entity or corporation, or with any one or more of them.” 2019 N.Y. Laws, Ch. 108, Section 2(7)(e); N.J.S.A. 32:36-8(e).

The GDC Act further empowers the Commission to “utilize the existing labor force in the states and foster labor harmony in allowing for adoption of efficient labor work rules and practices during construction of the Project.” 2019 N.Y. Laws, Ch. 108, Section 7(q); N.J.S.A. § 32:36-8(q).

A project labor agreement is a pre-hire collective bargaining agreement that establishes the terms and conditions of employment for a project.

The Project Development Agreement for the Hudson Tunnel Project (the “PDA”), a foundational agreement between the States of New Jersey and New York, Amtrak, and the Commission regarding delivery of the Hudson Tunnel Project, provides, at Article IV, Section 4.01(b), that the Commission shall “engage with labor constituencies and lead the development and negotiation of applicable project labor agreement(s)” for the Hudson Tunnel Project.

The Commission has engaged, via its outside counsel, a consultant to conduct a study to determine that it is in the Commission’s interest to negotiate and execute project labor agreements for Manhattan Tunnel based on considerations such as the impact of delay, the possibility of cost savings

advantages, and the promotion of labor harmony are best met by requiring a project labor agreement. The labor study recommends that the Commission negotiate and execute project labor agreements for Manhattan Tunnel.

Based on the conclusions in this study, the Commission and the unions representing the trades who will perform work on Manhattan Tunnel (the "Parties") engaged in negotiations regarding the terms and conditions of employment for Manhattan Tunnel.

The terms the Parties have negotiated are memorialized in the Project Memorandum of Agreement between the Commission and the District Council of New York and Vicinity of the Union Brotherhood of Carpenters and Joiners of America, Local Union No. 3 International Brotherhood of Electrical Workers, AFL-CIO, Local Union No. 40 of Bridge, Structural Ornamental, and Reinforcing Iron Workers, AFL-CIO, Building, Concrete, Excavating & Common Laborers Local No. 731, Operative Plasterers' and Cement Masons' International Association Local 780, and Teamsters, Local Union No. 282 which was approved by Resolution 1024-03 and attached thereto as "Exhibit A", the Memorandum of Understanding between the Commission and the International Union of Operating Engineers Local 14-14B, AFL-CIO and Local 15, 15A, 15C, 15D, 15G & 15H, AFL-CIO, which was approved by Resolution 1024-03 and attached thereto hereto as "Exhibit B," the Memorandum of Understanding between the Commission and Laborers' International Union of North America, Laborers' Local Union No. 147 which was approved by Resolution 1024-03 and attached thereto as "Exhibit C," and the Memorandum of Understanding between the Commission and District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America which was approved by Resolution 1024-03 and attached thereto as "Exhibit D," (collectively, the "Labor Agreements"). By Resolution 1024-03, the Board authorized the Labor Agreements.

The Parties have negotiated changes to the Memorandum of Understanding between the Commission and Laborers' International Union of North America, Laborers' Local Union No. 147 which was approved by Resolution 1024-03 and attached thereto as Exhibit C.

Pursuant to the foregoing report, the following resolutions were adopted, with Co-Chair Glen, Co-Chair Grewal-Virk, Vice Chair Coscia, Commissioner Bauer, Commissioner Barbas, and Commissioner Rosen voting in favor:

**RESOLVED**, that the GDC Chief Executive Officer and designee are authorized to take any and all actions consistent with this resolution, and to make, execute and deliver in the name and on behalf of GDC the attached copy of the Memorandum of Understanding between the Commission and Laborers' International Union of North America, Laborers' Local Union No. 147 ("MOU"), and to take all other steps necessary to comply with the terms and conditions of the MOU, including enforcing the terms of the MOU as may be required, including but not limited to, initiating arbitration procedures as specified in the MOU.

*Adopted 2/3/2025*

**EXHIBIT A**

MEMORANDUM OF UNDERSTANDING BETWEEN LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LABORERS' LOCAL UNION NO. 147 AND THE GATEWAY DEVELOPMENT COMMISSION

*Subject to Board of Commissioner Approval*

### **MANHATTAN TUNNEL PROJECT**

This memorandum of understanding is entered into by and between the Laborers' International Union of North America, Laborers' Local Union No. 147 ("Local 147"), the Gateway Development Commission ("GDC") and *[insert name of employer of Local 147 represented employees]* ("\_\_\_\_\_") (collectively the "Parties") on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

The Parties agree that, for work performed on the Manhattan Tunnel Project, as described in the attached "Project Description" (the "Project"), which is part of a larger construction plan known as the Hudson Tunnel Project, the terms and conditions of employment of Local 147 represented employees of *[insert name of employer of Local 147 represented employees]* shall be in accordance with Local 147's collective bargaining agreements with the General Contractors Association of New York, Inc. (the "GCA Agreement"), together with the following terms:

1. Local 147 agrees to participate in a Managed Care and Alternative Dispute Resolution program which is to be designed pursuant to Article 17 of the Project Memorandum of Agreement (the "MOA"), but subject to their right to opt out of the same upon written notice to *[insert name of employer of Local 147 represented employees]*.
2. Local 147 agrees to Article 9 entitled "Work Stoppages and Lockouts" of the MOA with the exception that such terms of the no strike language shall not apply upon the expiration of the GCA Agreement, but such terms shall resume in force and effect upon execution of new applicable collective bargaining agreement and no Local 147 represented employees shall be displaced as a result of any action they take upon expiration of the GCA Agreement.
3. Local 147 agrees to Article 18 entitled "Project Logistics" of the MOA but by doing so Local 147 does not relinquish any of its jurisdiction as to the work to be performed on the Project and the Parties all agree that nothing contained in Article 18 shall allow for the assignment of Local 147 work to any other labor union.
4. *[insert name of employer of Local 147 represented employees]* and the GDC agree that any disputes or conflicts arising as between the terms of the GCA Agreement and the MOA shall be governed solely by the terms and conditions of the GCA Agreement.
5. Unless specifically modified herein, all other terms and conditions of employment of the Local 147 members working on the Project shall be governed in their entirety by the GCA Agreement.

*Subject to Board of Commissioner Approval*

Acknowledged and agreed to by the following three (3) parties:

International Union of North America, Laborers'  
Local Union No. 147

By: \_\_\_\_\_  
Richard Fitzsimmons, Business Manager

*[insert name of employer of Local 147  
represented employees]*

By: \_\_\_\_\_  
*[insert name and title]*

Gateway Development Commission

By: \_\_\_\_\_  
Thomas Prendergast, Chief Executive  
Officer

**#0225-04: HUDSON TUNNEL PROJECT – NEW JERSEY SURFACE ALIGNMENT (P3) PROJECT – AUTHORIZATION OF STIPEND PROGRAM**

The Hudson Tunnel Project will improve resiliency, reliability, and redundancy for the busiest section of the Northeast Corridor (“NEC”) – the busiest passenger rail line in the United States. The Hudson Tunnel Project (“HTP”), for funding and financing purposes, includes the construction of a new Hudson River Tunnel between New York and New Jersey, and the rehabilitation of the existing 112-year-old North River Tunnel under the Hudson River.

The Gateway Development Commission (the “Commission”) is a public and government sponsored authority established by bi-state legislation (the “GDC Act”) in July 2019. The Commission is serving as the NEPA Project Sponsor and federal grant recipient for the Hudson Tunnel Project.

The Commission staff have determined that the development and institution of a stipend program in support of a two-step procurement process for the New Jersey Surface Alignment (P3) project procurement is in the best interest of, and provides the best value to, the Commission. The Commission currently intends to offer a stipend or payment for work product to each unsuccessful proposer that submits a proposal that satisfies those conditions that will be specified in the procurement documents. The winning proposer will not receive a stipend or payment for work product.

This stipend program will encourage bidding teams to invest appropriate level of resources and technical development, to encourage innovation, and to prepare a price-certain responsive bid to the New Jersey Surface Alignment (P3) project procurement.

These stipends or payments for work product will be made in consideration for the proposer’s transfer and assignment to the Commission of rights to the proposer’s intellectual property, ideas, techniques, concepts, and approaches contained in its proposal and/or other work product provided by the proposer during the RFP phase.

In order to enact such a stipend program, the Commission wishes to adopt the Resolution set forth below.

Pursuant to the foregoing report, the following resolutions were adopted, with Co-Chair Glen, Co-Chair Grewal-Virk, Vice Chair Coscia, Commissioner Bauer, Commissioner Barbas, and Commissioner Rosen voting in favor:

**RESOLVED**, that the Chief Executive Officer of the Commission is hereby authorized to direct GDC staff to develop and institute a stipend program to support the New Jersey Surface Alignment (P3) project procurement process, as detailed in the GDC Act and applicable Commission policies and procedures, at a cost not to exceed \$6 million, which represents a not to exceed cost per bidder of \$1.2 million, subject to the availability of funds; and be it further

**RESOLVED**, that the CEO of the Commission is hereby authorized to direct Commission staff to review eligible submissions and administer and cause to pay stipends to eligible proposers.