



Virtual Special Board Meeting
Wednesday, December 30, 2020
10:00 a.m.



AGENDA
REGULAR SESSION
Remote Access Meeting via Zoom
Wednesday, December 30, 2020 - 10:00 a.m.

Zoom Link: <https://us02web.zoom.us/j/85084215988>

Zoom via phone: 929-205-6099 / Meeting ID: 850 8421 5988

I. PLEDGE OF ALLEGIANCE

II. OPENING STATEMENT

III. ROLL CALL

IV. EXECUTIVE SESSION

Resolution 2020-36

Consideration of a Resolution Authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing the following matter:

- Legal advice concerning Resolution 2020-37

V. PUBLIC PARTICIPATION ON RESOLUTIONS

VI. APPROVALS

Resolution 2020-37

Approval of a license agreement with Department of Health, State of New Jersey for operation of a COVID-19 vaccination site at NJSEA facilities located at the Meadowlands Sports Complex and authorization to procure goods and services in support of operations at the site.

VII. PUBLIC PARTICIPATION

VIII. MOTION TO ADJOURN

RESOLUTION 2020- 36

**RESOLUTION AUTHORIZING THE
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY
TO CONDUCT A MEETING TO WHICH
THE GENERAL PUBLIC SHALL NOT BE ADMITTED**

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12 (b), permits the holding of closed sessions by public bodies in certain circumstances; and

WHEREAS, the New Jersey Sports and Exposition Authority (NJSEA) is of the opinion that those circumstances presently exist.

NOW THEREFORE BE IT RESOLVED as follows:

1. That a closed session of the Authority shall be held to discuss the following:
 - Approval of a license agreement with Department of Health, State of New Jersey for operation of a COVID-19 vaccination site at NJSEA facilities located at the Meadowlands Sports Complex and authorization to procure goods and services in support of operations at the site.
2. It is anticipated at this time that the above subject matter(s) will be made public upon completion of said matter(s).

This resolution shall become effective immediately.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 30, 2020.



Vincent Prieto
Secretary

RESOLUTION 2020-37

RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF HEALTH FOR THE OPERATION OF A COVID-19 VACCINATION SITE AT THE MEADOWLANDS RACETRACK AND AUTHORIZING PURCHASING ON AN EMERGENT BASIS BY THE NJSEA OF GOODS AND SERVICES IN SUPPORT OF THE SITE

WHEREAS, the spread of COVID-19 within the State of New Jersey constitutes an imminent public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of the State; and

WHEREAS, on March 9, 2020, New Jersey Governor Philip D. Murphy ("Governor") issued Executive Order No. 103 ("EO 103") proclaiming that a public health emergency and a state of emergency exists in the State, which was extended by Executive Orders 119, 138, 151, 162, 171, 180, 186, 191, 200 and 210; and

WHEREAS, EO 103 recognizes that it is necessary and appropriate to take action against this public health hazard to protect and maintain, as well as restore the health, safety and welfare of New Jersey residents and visitors; and

WHEREAS, the Center for Disease Control and Prevention ("CDC") and the Food and Drug Administration ("FDA") recently approved the emergency use authorization of the COVID-19 vaccines ("COVID-19 Vaccines") for the prevention of the coronavirus to those eligible to receive the vaccine; and

WHEREAS, the emergency use authorization allows the COVID-19 Vaccines to be distributed throughout the U.S. and for immunizations to begin; and

WHEREAS, the Department of Health, State of New Jersey ("NJDOH") will be overseeing the State's vaccination efforts and requires facilities throughout the State at which the State can provide the immunizations in a safe and orderly manner; and

WHEREAS, the NJSEA owns the facility known as the Meadowlands Racetrack, located at the Meadowlands Sports Complex in East Rutherford, New Jersey; and

WHEREAS, the NJDOH requires the use of a portion of the Meadowlands Racetrack Paddock Level Floor as a COVID-19 immunization site ("Vaccination Site"); and

WHEREAS, due to the current health crisis, the NJDOH requires immediate execution of a license agreement for the use of the Meadowlands Racetrack Paddock Level Floor so that operation of the Vaccination Site may begin as quickly as possible, with preparatory work having already begun; and

WHEREAS, pursuant to Executive Order 103 and N.J.S.A. 5:10-21.4(d), the NJSEA has the authority to waive public advertising for a lease in the case of a public exigency, pursuant to N.J.S.A 5:10-21.4(g) the NJSEA has the authority to waiver public advertising for a lease to any state and pursuant to N.J.S.A. 5:10-21.3(g), the NJSEA has the authority to waiver public advertising for a lease that furthers the NJSEA's business, the NJSEA is authorized to procure this license with the NJDOH; and

WHEREAS, the license agreement will permit the operation of the Vaccination Site in designated areas at the Meadowlands Racetrack Paddock Level Floor, (specifically, the "LICENSED PREMISE", as defined therein) for an initial period of 179 days beginning January 2, 2021 and ending June 30, 2021, with options to extend for three (3) additional 30-day periods; and

WHEREAS, State of New Jersey contracting law at N.J.S.A. 52:34-10(b) and the NJSEA's enabling legislation at N.J.S.A. 5:10-21.4, each provide for exceptions to the requirement for publicly advertised bidding in circumstances where the public exigency requires immediate delivery of articles or the performance of services; and

WHEREAS, under the arrangement with NJDOH, the NJSEA shall undertake procurement of goods and services in support of the operation of the Vaccination Site with NJDOH funding such purchasing on a reimbursable basis; and

WHEREAS, consistent with the need for expediency, such procurement shall be conducted without advertising, in accordance with the exemptions to requirements for publicly advertised bidding set forth herein; and

WHEREAS, the NJDOH will compensate the NJSEA for use of the LICENSED PREMISE as set forth in the license agreement and reimburse NJSEA for the goods and services procured in support of the Vaccination Site.

NOW, THEREFORE, BE IT RESOLVED by the NJSEA, that the President and CEO is hereby authorized and directed to enter into a license agreement with the New Jersey Department of Health for an initial period of 179 days, with options to extend for three (3) additional 30-day periods.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the President and CEO is authorized to procure goods and services in support of the operation of the Vaccination Site, without advertising, consistent with the public exigency exception to publicly advertised bidding, with such procurement to be funded by the NJDOH on a reimbursable basis under the terms of the license agreement.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 30, 2020.



Vincent Prieto
Secretary