State Treasurer Ford M. Scudder
Senate Economic Growth Committee

January 12, 2017

Mr. Chairman and members of the Committee, thank you for inviting me here today to speak to you about a project that is both necessary and long overdue—restoration of New Jersey's historic Executive State House. I've asked Ray Arcario, Executive Director of the New Jersey Building Authority, to join me this morning. Ray will be able to provide us with helpful details on the restoration, as he's been working on the project for the past three years.

Mr. Chairman, as you noted in your invitation to me requesting my appearance before the Committee today, New Jersey's State House is both a State and national treasure. It's the second oldest state house in continuous operation in the United States—dating back to 1792. But time and neglect have taken their toll on our State House. In fact, the Executive State House, an historic landmark, hasn't had a comprehensive restoration in more than 60 years. Instead, the building has only undergone piecemeal improvements and, with increasing frequency, emergency work. It's worth noting that the need for a comprehensive restoration was first raised in 1996—more than 20 years ago.

As the Governor said when he announced this project in November, we simply can't afford to wait any longer—not only from a monetary perspective, which I'll discuss later in my remarks, but from a safety standpoint as well.

There has been an extreme deterioration of both the outside and inside building fabric. There are multiple code violations and life safety issues that have been identified over the past 15 years. Simply put, the entire building systems infrastructure needs to be replaced to meet contemporary code requirements and building performance expectations. This work cannot be done while the building is occupied as exterior and interior work need to be coordinated to address all issues in a comprehensive manner. Let me cite just a few examples to illustrate the dire need for a full-scale restoration and renovation.

First, there is no comprehensive coverage of smoke detection or fire suppression. In addition, we have already had to engage a contractor to provide temporary fire stairs to replace certain unsafe fire escapes and shore up other usable fire escapes. Fire hazards, such as this enclosed roof, are a clear and present safety hazard to the occupants of the State House.

There is no HVAC system that serves the entire Executive State House. In fact, 35 percent of the building does not have proper heating. The current system fails to meet life safety requirements and is extremely inefficient. As an example, within the Treasurer's Suite, we have one office with a window literally covered in plastic wrap that blows in the wind, and two adjoining offices that on any given day can differ in temperature by at least 15 degrees Fahrenheit.

There is significant deterioration of the building fabric. Water infiltration is causing deterioration of the building interior and exterior. The chimneys need to be dismantled until permanent repairs can be made. Window sashes are at risk of falling off the frames and out of
the building and windows are literally held in place with metal clips to prevent them from falling. Cornices and other elements of the exterior must be removed to reduce the risk of catastrophic failure that will endanger occupants and passers-by. The skylights and roof need replacing.

And then there are numerous improvements that are necessary to bring our 18th century capitol in line with 21st century needs. These include replacing an antiquated electrical system as well as tele/data systems to support smoke, fire and security components.

On the topic of security, there are serious concerns. I'd prefer not to go into all of them in such a public setting, but the Governor did mention the need to move security screening outside of the walls of the building.

Furthermore, new restrooms are required to meet current code as well as ADA requirements.

The list, known internally and further developed by the architectural and engineering services firm overseeing the State House restoration and renovation, Nelson PDP, literally goes on and on.

Before I continue, let me first provide some background on Nelson/PDP and its ongoing work on the State House. In 2012, the Division of Property Management and Construction (DPMC), in accordance with New Jersey’s competitive public bidding requirements, established a Selection Committee to select an architectural consultant for exterior “envelope” restoration of the State House. The Request for Proposal, of which I’m pleased to provide copies to the Committee, was advertised in newspapers, posted on the Division’s website and directly mailed to all 52 firms prequalified by DPMC.

The Selection Committee developed evaluation criteria specific to the project on which to rate the proposals. Fifteen firms responded and ultimately, following a several step process, the architectural consultant H2L2 and their historic preservation subconsultant Preservation Design Partners were selected. The partnership, now referred to as Nelson/PDP, earned the highest score and was selected to begin work on the “envelope” in 2013.

Nelson/PDP has nationally recognized credentials, experience and expertise in the restoration of national historic landmarks, including the U.S. Supreme Court, as well as the state capitols of New York, Pennsylvania and Virginia—to name but a few of their prominent and historic projects. In addition, they’re currently working on the project to restore the Alamo.

The envelope work was never completed because it soon became readily apparent, following a detailed examination and assessment of the Executive State House by Nelson/PDP, that the State would be wasting its money on temporary fixes when a comprehensive restoration of the State House is actually required. It makes little sense to do patchwork repairs that would cost taxpayers millions upon millions of dollars when full-scale renovation is needed to address the serious problems I have mentioned.

The projected cost of a comprehensive renovation of the State House is $300 million. This includes approximately $55 million in project contingency and escalation costs. In addition, $25
million of current funds available for exterior envelope projects will be dedicated to the comprehensive restoration and renovation project. Treasury is in the very early stages of working with the EDA to spell-out the plan for the project’s financing.

So what does this amount include? Complete exterior restoration. Complete interior restoration and renovation. A completely new building infrastructure. Design services, permitting and construction management. IT equipment and design. Art conservation. Restoration of historic features of the 225 year old building, including creation of a public exhibition space to showcase historical areas of the building. Renovation of 135 West Hanover Street for permanent occupancy by the State Police and funds needed to cover the cost of temporary swing space during the renovation. As well as upgrades to the Annex such as building system controls, fire alarms, roofing and infrastructure repairs, IT connectivity and upgrades of approximately $20 million. All of this will be completed in an estimated four to five years.

Now, I know that some of you may ask, can this project be postponed? The answer is no, it cannot. And here’s why.

Each year, in addition to cost escalation, the deterioration of the building will continue at an accelerated rate, adding additional costs and the risk of permanently losing valuable historic building fabric. At present, it is anticipated that the costs are escalating at approximately $8 - $10 million per year.

Delaying the project will continue to expose occupants, visitors, and the surrounding neighborhood to life safety hazards. Furthermore, any work will continue to be done on an ad-hoc basis and cost significantly more in the long run. Finally, disruptions in the daily operations of the State House will be extensive.

Meanwhile, the building will continue to deteriorate, emergency repairs with no longstanding value will become increasingly necessary, and considerable funds will be wasted through the operation of a terribly inefficient building infrastructure.

It simply doesn’t pay to delay the much needed repairs, restoration and renovation of our historic Executive State House any longer. The time to finally begin this project and save our State House from irreversible detrimental deterioration is now.

The poster boards we’ve displayed this morning, show but a few examples of this ongoing deterioration.

I’d like to thank the Chairman and Committee members for their time this morning. Ray and I look forward to answering your questions.
ABOUT THE NELSON / PDP DESIGN TEAM

In January 2013, H2L2 in association with PDP was selected to lead the restoration of the Exterior Building Envelope [DPMC Project No: A 1150-00]. In October 2012, H2L2 merged with NELSON, one of the largest and most diverse planning, architecture and interior design firms in the US. The team is now referred to as NELSON in association with PDP [NELSON / PDP].

The NELSON / PDP team includes nationally recognized entities and experts in the field of historic preservation.

ROLES AND RESPONSIBILITIES

1. NELSON:
   Prime / Project Administration / Architect of Record / Space Planning / Interior Design
   One of the largest practices in the US, Nelson provides planning, architecture, interior design and logistics services throughout the US. The firm has diverse and plentiful resources to address the demands and the complexity of the project, from investigations to site logistics and relocations.

2. PRESERVATION DESIGN PARTNERSHIP, LLC [PDP]:
   Planning, Design, Architecture and Historic Preservation
   PDP is a nationally recognized firm specializing in the delivery of full A/E services in the area of historic preservation.
   The leadership of the firm has over 60 years of experience in the preservation, restoration and adaptive reuse of monumental historic landmark buildings, several of which are state capitols.

3. SILMAN:
   Structural Engineering
   A nationally recognized structural engineering firm specializing in the restoration of historic buildings, Silman has successfully completed hundreds of projects involving historic resources, including over 50 monumental national landmarks, with several state capitols and state houses in their portfolio.

4. LORING:
   Heating, Ventilation, Air Conditioning and Building Infrastructure
   A leading MEP entity, Loring was the lead MEP entity on the restoration of the New Jersey Legislative State House. Since then, they have been successfully engaged in numerous projects involving monumental historic landmarks, including several capitols and state houses.

5. JENSEN HUGHES:
   Code Analysis and Fire Protection
   When the project team was first engaged in the restoration of the exterior building envelope, the Code Analysis and Fire Protection Engineering for the Executive State House was handled by AON. Earlier this year, AON was acquired by Jensen Hughes, one of the global leaders in this area of professional practice. The principals of AON [now Jensen Hughes] and key members of the team continue to work on this project. Individually and collectively, Jensen Hughes brings to this project unparalleled expertise, including the restoration, preservation and adaptive reuse of several historic state houses and other monumental historic landmarks.
6. INTERNATIONAL CONSULTANTS, INC. (ICI):

Cost Estimating

ICI is a recognized leader in the area of cost estimating, with unique expertise in estimating complex restorations of historic resources, including several monumental historic landmark buildings and capitols / state houses.

A LONG STANDING RELATIONSHIP AND IMPORTANT BENEFITS

The core members of the team, namely
- Preservation Design Partnership, LLC [PDP]
- Silman
- Loring
- Jensen Hughes and
- International Consultants, Inc [ICI]

have been collaborating together continuously for over 20 years on the preservation, restoration and adaptive reuse of monumental historic landmarks throughout the US.

Through this continuous engagement, they have been able to develop and use pioneering methodologies, including:
- 3-Dimensional documentation
- Non - Destructive Evaluation
- Probing
- Analytical Testing
- Cost Indices
- Coordination of trades, etc.

all aimed at:
- identifying risks,
- locating concealed deterioration,
- sequencing the work properly and
- developing reliable construction cost estimates.

The end result is sensible, sensitive and sustainable solutions of long term value that protect, preserve and restore the architectural and historic integrity of these remarkable resources.

Some of the projects that have been produced through this long standing collaboration are:
- The Modernization of the US Supreme Court
- The Executive Office Building of the Commonwealth of Virginia [Patrick Henry Building]
- Thomas Jefferson's Virginia State Capitol
RELEVANT PROJECTS:

US Supreme Court Modernization [1998 - 2014]:
Comprehensive replacement of building systems and infrastructure, below grade addition, off site support areas, space and security enhancements

- Selection Process: National Search
- Cost: WND
- Services: From master planning through construction implementation [Project 1]

- Key entities:
  - PDP leadership – Lead Architect
    [prior to forming PDP and selected completion services under PDP]
  - Silman – Structural Engineering
  - Loring - MEP Engineering
  - Jensen Hughes [as AON] – Code Consultation and Fire Protection Engineering
  - ICI – Cost Estimating

Cincinnati Museum Center [2005 - 2014]
Master Plan and Phase 1 [Project 1] implementation

- Selection Process: National Search
- Cost: WND
- Services: From master planning to construction implementation [Project 1]

- Key entities:
  - PDP leadership – Lead Architect
    [prior to forming PDP and following the formation of PDP]
  - Silman – Structural Engineering
  - ICI – Cost Estimating

Virginia State Capitol [2002 - 2008]
The Virginia State Capitol was originally designed by Thomas Jefferson. The work included a comprehensive exterior and interior restoration and an underground addition.

- Selection Process: National Search
- Cost: $104.5 million [2005]
- Services: From master planning to construction implementation [Project 1]

- Key entities:
  - PDP leadership – Lead Architect
    [prior to forming PDP]
  - Silman – Structural Engineering
  - Loring – MEP Engineering
- Jensen Hughes – Code Consultation / Fire Protection Engineering
- ICI – Cost Estimating

- Selection Process: National Search
- Cost: $35 million
- Services: From master planning through construction implementation

- Key entities:
  - PDP leadership – Lead Architect  
    [prior to forming PDP]
  - Loring – MEP Engineering
  - Jensen Hughes – Code Consultation / Fire Protection Engineering
  - ICI – Cost Estimating

In addition to the above projects, the key members of the team have, individually and collectively, successfully completed complex assignments:
- in six additional state capitols [PA, NY, VA, WY, MI, NJ] and
- Over 30 monumental historic landmark buildings

Today, all of the individuals and firms continue to advance the state-of-the-art in this field of professional practice.

Following an international search, PDP was selected to lead an international team of experts in “re-imagining” the Alamo, the iconic World Heritage Site in San Antonio, Texas. In addition to PDP, Silman and ICI also participate in this internationally acclaimed project.

**BENEFITS OF MOVING FORWARD WITH THE NELSON / PDP TEAM**

Moving forward with the Nelson / PDP team has significant benefits:
- The team includes some of the most respected experts in this specialized area of professional practice.

  The cumulative construction value of the record of relevant projects that this team brings is in excess of $2 billion, the vast majority of which has been completed as collaboration by the key members of the Nelson / PDP team.

- The leading individuals have been engaged in aspects of the work for approximately 5 years now and they know the building intimately

- A comprehensive program of testing of significant value has already been completed and its value should not be lost

- A sensible, sensitive and sustainable approach and plan has already been developed and is awaiting implementation

Last, but not least, the presence of a national entity, such as NELSON, brings to this project diverse and plentiful resources, as well as tremendous experience in site logistics, move management, relocations and optimizing environments, important requirements for the successful implementation of the project.
Date: January 17, 2013

TO: FILE
FROM: Richard S. Flodmand
Deputy Director, Contract Administration

SUBJECT: A1150-00
Exterior Envelope Restoration
Executive State House, Trenton

In accordance with the current statutes and regulations, a Selection Committee was established to select an architectural consultant with appropriate subconsultants for the above referenced project.

The Committee consisted of the following individuals:

Richard Flodmand, Chairman............Deputy Director, Contract Admin., DPMC
Raymond Arcario.......................Deputy Director, DPMC/Exec. Director NJBA
Jennifer Osborn.........................Ass’t Deputy Director, State House Op., DPMC
Pat Papero................................Project Manager, Design, DPMC
Michael O’Reilly........................Project Manager, Construction, NJBA
Don Juechter............................Project Manager, Construction, DPMC

The Request for Proposal (RFP) was advertised in newspapers and the Division’s website on July 11, 2012 and a direct mailing of the solicitation was sent to all 52 firms prequalified by DPMC in the Architecture discipline with an “Unlimited” dollar rating. The Selection Committee developed evaluation criteria specific to the project on which to rate the proposals received. A total of 15 firms submitted Preliminary Technical Proposals by the due date of August 9, 2012. However, two firms, Wank Adams Slavin Associates and Swanke Hayden Connell Architects were rejected for failure to meet the prequalification requirements of the RFP. Evaluations of the remaining thirteen (13) proposals were completed by the Selection Committee on August 30, 2012. The results of the Committee’s scoring of the Preliminary Technical Proposals are attached.

It was the consensus of the Committee to request technical proposals from the top six (6) ranked firms and interview all the firms. A mandatory site visit was held with
Representatives of the firms on September 11, 2012 and Addendum “B” was issued on September 18, 2012 to respond to questions raised by the consultants after the site visit. Addendum “C” was issued on September 24, 2012 and included additional information on the interior and exterior spaces at the State House which was prepared by another consulting firm on a previous project. Technical Proposals were received October 4, 2012 and interviews were held on October 25, 2012.

The scores for the evaluation of the technical proposals and interview presentations were combined and the total points and final rankings are shown in the table below:

<table>
<thead>
<tr>
<th>Competing Firm</th>
<th>Raw Rank</th>
<th>Total Point Score</th>
<th>Technical Ranking</th>
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<tbody>
<tr>
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The Selection Committee requested fee proposals from the top three technically ranked firms. On November 20, 2012, fee proposals were received and they were opened by the Chairman and Selection Committee. The results of these fees are shown on the chart below.

<table>
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<tr>
<th>Technical Ranking</th>
<th>Competing Firm</th>
<th>Proposed Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>H2L2 w/ Preservation Design Partnership</td>
<td>$3,530,138*</td>
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<tr>
<td>2</td>
<td>Goody Clancy</td>
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<tr>
<td>3</td>
<td>USA Architects Planners + Interior Designers</td>
<td>$3,700,942</td>
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*This fee represents Scenario B because it includes a very detailed Pre-Design/Discovery Phase which was highly recommended by the firm in their Technical Proposal. Scenario A responded only to the scope of work issued with the RFP. The two other firms also have similar pre-design elements in their proposals making them similar in comparison to H2L2’s Scenario B proposal.
The Selection Chairman contacted H2L2 on November 20 and informed them of their team’s top technical ranking. A fee negotiation meeting was scheduled for November 29, 2012. At the fee negotiation meeting, the Selection Committee reviewed and clarified several elements of the fee proposal with representatives of H2L2 and Preservation Design Partnership (PDP), their historic preservation subconsultant. These elements included access to the State House, scope of HVAC work to be completed, the inclusion of Peer Review and all of the allowances in particular the HazMat Allowances. Additionally, the firm was requested to review its fee for architectural services as it appeared to be high in comparison to the competing firms. In response to the committee’s requests, H2L2 provided a revised fee proposal on December 13 with revisions to the lump sum fee and the allowances including an updated list of hourly rates for all project staff. The revised fee totaled $4,016,963.

Upon review of the revised fee, the revisions to the allowances had increased the fee significantly and H2L2 and PDP were requested to attend a meeting with the Committee on December 20, 2012 to review various aspects of the revised fee proposal including major increases in the HazMat Construction Administration Allowance, the Full-Time C.A. Allowance and Other Allowances Proposed by the Consultant. The “Other Allowances” included a major increase for “Access for Design Team for Crane, Scaffold and Lifts” totaling $225,000. It was determined that there were some misunderstandings in the project requirements in these areas, specifically the need for the rental of a crane to evaluate certain aspects of the dome base. Additionally, their team’s HazMat fee and hourly rates were determined to be excessive compared to the competition and typical rates for similar services. Consequently, H2L2 and PDP were directed to review these aspects of their fee and submit a revised fee proposal by December 27, 2012. A revised fee in the amount of $3,561,908 was submitted by the firm and forwarded to the Negotiation Committee for review. The revised fee resulted in reductions in the HazMat Allowances, Full-time C.A. Allowance and the “Other Allowance” where the use of a crane was removed and the services of a subcontractor, Vertical Access would now be employed to perform rope access evaluation of the dome, specifically the painted coating on the base which has exhibited failure and the water-tightness of the caulking. Therefore, the expense of a crane rental would be avoided. The fee for Vertical Access’ services was absorbed in H2L2’s base architectural fee.

The Negotiation Committee completed their review of the revised fee and discussions were held after the holidays between the members regarding their comments on the proposed fees. The revised fee still did not include all of the consulting (architectural, HVAC, HazMat, etc.) services to install HVAC fan coil units to replace the window AC units that were planned for removal. A detailed discussion was held with H2L2 and PDP
representatives to specifically address the HVAC services related to the removal of the window AC units. All the firms had been advised in the interviews by Committee members that the removal of the window AC units was a priority on the project and all the firms had confirmed that this aspect of the project would be addressed in their project scope. However, H2L2's fee proposal did not include these services beyond the schematic design phase. The proposal stated that the architectural, preservation, structural, mechanical, electrical, plumbing and environmental services associated with the fan coil installation (in the areas where window AC units were to be removed), were not included in the base fee. However, at the conclusion of the Schematic Design Phase, the H2L2 team would submit a detailed proposal to the DPMC for the required design services beyond the Schematic Design. The Negotiation Committee disagreed with this assessment and approach based on the comments and responses made by the firm at the interview presentation.

Consequently, the Chairman held conversations with Jenifer Osborn, State House Building Manager and she and her staff confirmed that three quarters (approximately 70%) of the AC window units were in one wing of the State House. The other 30% were distributed over the other three wings of the building. This information was provided to H2L2's Principal, Barry Eiswerth on January 3, 2013 and he was requested to re-review H2L2's fee regarding this specific matter.

H2L2 responded verbally on January 4 that after review of this additional information with their team regarding the replacement of the AC window units and their team's fees, they agreed that based on the information provided regarding the location of the fan coil units, their team could cover the development of a full design and related construction administration for this work within their proposed lump sum fee. H2L2 added that since they had already budgeted for an extensive schematic effort for the MEP and architectural work and the location of the HVAC work will be primarily in one wing, they believe their fee provided in their December 27 proposal was sufficient for the services necessary. However, additional HazMat allowance funds would be required to cover those environmental services in the interior spaces of the building as they were not included in the December 27 revised fee. The firm's final revised fee was received on January 10, 2013 and included additional allowances totaling $132,400 for the HazMat Allowances for Materials Testing and Monitoring during the design and construction phases. The total amount of the final revised fee was $3,694,308.

Upon review of this revised fee, the Committee determined the fees and the proposed level of services presented from H2L2's team were now acceptable. Therefore, in view of
Recommendation of Award  
Exterior Envelope Restoration  
Executive State House, Trenton  
Page 5

t heir top technical ranking and acceptable revised fee proposal, the Selection Committee recommends the award of the project to H2L2 in the amount of $3,694,308.

Approved __________  
Steven Sutkin, Director  
Division of Property Management & Construction

Attachments

c. Cathy Douglass, Selection Coordinator  
Selection Committee Members  
Central File 201
## ATTACHMENT - RESULTS OF PRELIMINARY TECHNICAL PROPOSAL EVALUATION

**A1150-00, Exterior Envelope Restoration**  
Executive State House, Trenton

<table>
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Good morning. Thank You Mr. Chairman and members of the committee for the opportunity to testify today. I am here on behalf of the New Jersey Chapter of the American Institute of Architects. We represent nearly 2,000 licensed architects practicing within our great State. The New Jersey State House has a history as rich and diverse as New Jersey itself. It is a source of civic pride, not only amongst New Jersey architects, but throughout the entire State population as well. The New Jersey State House is home to our State’s democratic process, and our organization looks forward to its renovation and modernization so that it can continue to serve the citizens of New Jersey as they come to participate in the shaping of public policy.

Should the State House require a $300 Million renovation and modernization project, we applaud the State for taking the bold steps necessary to preserve the facility. Based on everything we have heard or seen to date, we understand the State House is an elaborate architectural jewel with extensive needs. We have heard reports and assessments have been prepared to justify the immediate need to renovate the building, and to justify the significant project budget.

We are concerned about the rapid pace of office relocation (we heard portions of the building will be vacated by July, 2017) and the overall assessment of the condition of the building. As architects, we are trained to protect the health, safety and welfare of the public. In 2012, New Jersey Division of Property Management & Construction issued a Request for Proposals (#A115-00) for Exterior Envelope Repairs for the Executive State House. The RFP had a clearly defined scope of work and budget, which has since increased dramatically. AIA New Jersey has previously requested copies of all reports prepared by the New Jersey Department of Community Affairs and by the State’s architectural consultant delineating the deficiencies within the building. Our concern is the rapid pace of the project has not afforded the State adequate time to properly check and balance the anticipated project costs. Realizing the State has economic needs well beyond the State House project, we offer our services as an independent review to help determine the accuracy and immediacy of the anticipated needs and costs of the project.

Furthermore, AIA New Jersey had additional concerns that the project was not re-advertised for professional architectural services. There is a dramatic difference between the modest project originally advertised and the nearly $300 Million project recently announced. Our recommendation is that a new Request for Proposals be issued with a reconciled scope of work to solicit the professional services of qualified architects and engineers for this much larger project. In addition, we would request consideration be given to using one of the many talented architectural firms based in our great State.

Thank you for your time and for the opportunity to testify. At AIA New Jersey, our goal is the State’s goal- to provide a building that New Jersey residents can be proud of.

Anti-Trust Statement:
It is the practice of The American Institute of Architects and its members to comply strictly with all laws, including all Federal and State anti-trust laws that apply to AIA operations and activities. Accordingly, this meeting will be conducted in full compliance with those laws.
Mr. Chairman and members of the Committee, I thank you for the opportunity to comment on the Governor’s proposal to spend $300 million to modernize the State House and to relocate the Executive branch offices not later than July 1 this year for a four-year exile.

One of the last things New Jersey needs right now is to dive deeper into debt, thereby worsening New Jersey’s already dire financial condition.

Suddenly, the Governor acts to increase the state’s debt by $300 million without approval of the Legislature or the voters of New Jersey. He offers no information on the source of funding to cover the debt service. Further, there is no way to determine from the information provided how the $300 million cost was determined or what specific improvements will be made. In short, the Governor apparently believes that he alone can through his control of the Economic Development Authority impose a burden on future taxpayers without the concurrence of the legislative branch or the public.

Twenty-three years ago, New Jersey was one of 9 states awarded the highest credit rating of AAA. This meant that New Jersey taxpayers were blessed with the lowest-possible interest rates. Today, New Jersey ranks 49th, with only Illinois rated lower for its credit-worthiness with added costs going forward of hundreds of million dollars.

The Governor’s State House proposal is a perfect example of how New Jersey went from the top to the bottom in such a short time. In some respects it is even a worse example because it suggests that future governors can incur debt obligations without any consultation or approval by the Legislature or the people. Governors are not free to ignore the New Jersey Constitution—and while I am not a lawyer I believe the Debt Limitation clause makes no allowance for gubernatorial autonomy in incurring debt.

So what can you, as concerned legislators, do? I have a suggestion: ask the Senate President to file an appeal to the New Jersey Supreme Court seeking an injunction against EDA actions to issue new debt for the State House project. In 2000, the Court accepted the Assembly Speaker’s petition on Abbott school construction funding (Abbott v. Burke VII), so it might accept the President’s petition on this one. Otherwise, the state’s downward slide in its financial condition will only accelerate.