
INSTRUCTIONS TO BIDDERS

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A firm or person or an affiliate thereof may not serve as a general contractor or as a subcontractor or as a subconsultant on an authority project for which the firm or person serves as the construction manager or as a subcontractor or as a subconsultant to the construction manager.

SECTION 1 – BID OVERVIEW

There is a two-step bidding process for bidding with the Authority:

First Step: A Bidder must first submit the “Project Rating Proposal”, which consists of information regarding the “other factors” which will be evaluated by the Authority in its consideration of the bid. The Authority will determine a Bidder’s Project Rating Limit based on this Proposal. A project rating is effective for 24 months, and a firm may request that the SDA apply that rating to a particular bid, provided there has been no negative change in the evaluative criteria upon which the rating is based.

Second Step: A Bidder must submit the “Price Proposal”, which contains the price the Bidder intends to bid for the work as well as other required information.

Important Notes:

- 1) A Bidder may not submit a Price Proposal that exceeds its Project Rating Limit for a project.
- 2) A Bidder’s Project Rating Limit cannot exceed the firm’s Aggregate Limit.
- 3) The Authority requires the contractor to provide opportunities to SBE firms to participate in the performance of this engagement, consistent with the Authority’s SBE Set-Aside Goals.

SECTION 2 – BIDDING PROCEDURES

2.1 EXAMINATION OF CONTRACT DOCUMENTS AND PROJECT SITE

The Bidder shall examine all Contract Documents, noting particularly all requirements that will affect the Bidder’s work in any way. Contract Documents are defined as all the documents identified in the Authority’s General Conditions at section 1.1.

Failure of a Bidder to be acquainted with the amount and nature of work required to complete any applicable division of the work, in conformity with all requirements of the project(s) and the package as a whole, will not be considered as a basis for additional compensation.

The Bidder shall evaluate each project site and related conditions, including without limitation the following:

- The condition, layout and nature of each project site and surrounding areas;
- The availability and cost of labor;
- The availability and cost of materials, supplies and equipment;
- The cost of temporary utilities required in the bid;
- The cost of any permit or license required for the projects and not obtained by the Authority;
- The generally prevailing climatic conditions; and
- Conditions bearing upon transportation, disposal, handling, and storage of materials.

Unless otherwise specified in the Contract Documents, borings, test excavations and other subsurface information, if any, are provided solely to share information available to the Authority and any use of or reliance upon such items by the Bidder is at the risk of the Bidder.

2.2 PRE-BID MEETING AND ADDENDA

All Bidders must attend the mandatory pre-bid meeting. No Project Rating Proposal will be accepted from any Bidder that fails to attend the mandatory pre-bid meeting. In the case of a Joint Venture, only one representative from the Joint Venture need attend the pre-bid conference.

The mandatory pre-bid meeting will be held as set forth in the Bid Advertisement appearing in selected newspapers and at the Authority's website: www.njsda.gov.

The Authority must issue Addenda, at least seven (7) business days prior to the date scheduled for receipt of the Price Proposals, excluding Saturdays, Sundays and legal holidays, to clarify, interpret, correct or change the Contract Documents. The Authority's authorized and approved Project Management Firm (PMF) or Construction Management Firm (CM) shall provide copies of Addenda only to firms that purchased the Contract Documents, attended the mandatory pre-bid meeting and submitted a Project Rating Proposal. Failure to acknowledge the addenda, and include such acknowledgement with the Price Proposal, may result in the rejection of the Price Proposal.

Bidders shall not rely on any oral answers to questions raised at the pre-bid meeting or at any other time. Bidders shall not rely on any interpretation or clarification of or correction or change to the Contract Documents unless it is in the form of a written Addendum.

2.3 INTERPRETATION

If the Bidder has any questions or finds any perceived error or omission in the Contract Documents or any conflict or discrepancy within the Contract Documents or between the Contract Documents and any applicable provision of law, the Bidder shall submit a written request to the Authority's PMF/CM firm for interpretation or clarification. Failure to submit said question or request for information shall be deemed a waiver for any claims for future compensation regarding discrepancies within the Contract Documents.

The Bidder shall be responsible for delivery of such requests no later than ten (10) business days prior to the Price Proposal opening date.

All responses to such requests shall be in the form of written Addenda.

The submission of a Price Proposal is conclusive evidence that the Bidder has completely reviewed the Contract Documents and fully understands and agrees to all of the requirements, terms and conditions set forth therein.

2.4 STANDARDS

The articles, devices, materials, equipment, forms of construction, fixtures and other items named in the specifications to denote kind and quality shall be known as standards and all bids shall be based upon those standards.

Where two or more standards are named, the Bidder may furnish any one of those standards.

Items, which are not standards, may be used only if accepted pursuant to the requirements of Section 2.5 herein.

2.5 PROPOSED EQUALS

If the Bidder proposes to use articles, devices, materials, equipment, forms of construction, fixtures or other items other than those standards named, the Bidder shall certify that the item is equal in quality and in all aspects of performance and appearance to the standards specified.

In addition, the Bidder shall submit information to the PMF/CM no later than ten (10) business days prior to the Price Proposal opening date, which information shall include:

- The name and a complete description of the proposed equal, including drawings, performance and test data, and other information necessary for a complete evaluation; and
- A statement setting forth any changes, which the proposed equal will require in the projects.

If the Authority approves the proposed equal, the PMF/CM shall issue an Addendum describing and authorizing use of the new standard.

The decision to approve or disapprove a proposed equal shall be solely within the discretion of the Authority, and shall be final when made. The Authority shall have the discretion to reject a proposed equal, for any reason whatsoever, including the fact that the Bidder failed to provide sufficient information to enable the Authority to completely evaluate the proposed equal without delay in the scheduled Price Proposal opening date.

No Bidder shall rely on a proposed equal in the preparation of its bid unless that proposed equal has been expressly approved as a standard in the form of an Addendum issued prior to the Price Proposal opening date.

2.6 BIDDING DOCUMENTS

Plans and specifications will be made available to the Bidder for review.

A copy of the plans and specifications will be available for purchase (non-refundable) in the amount listed in the Bid Advertisement.

2.7 COPIES OF THE DRAWINGS AND SPECIFICATIONS

Unless otherwise specified in the Contract Documents, the PMF/CM shall furnish to the successful Bidder, free of charge, three (3) sets of the Project Manual, Drawings, Specifications and Addenda.

The successful Bidder may obtain additional copies or sepias of the Drawings and Specifications from the Design Consultant, upon request, at the cost of reproduction.

2.8 OWNER CONTROLLED INSURANCE PROGRAM (OCIP)

In accordance with Article 9.2 of the Authority's General Conditions, the Authority has elected to implement an Owner Controlled Insurance Program (OCIP) to provide Workers' Compensation, Employers Liability, General Liability, Excess Liability, and Builder's Risk Coverage for Contractors and eligible Subcontractors, of any tier, providing direct labor to the Project. The Authority agrees to pay all premiums associated with the OCIP,

including deductibles or self-insured retention (giving the Contractor and Subcontractors first dollar coverage), unless otherwise stated in the contract documents. While the OCIP is intended to provide broad coverage and high limits, the OCIP is not intended to meet all the insurance needs of the Contractor or Subcontractors. Participation in the OCIP Program is mandatory, but not automatic, unless otherwise determined by the Authority.

The Contractor agrees to submit Price Proposals **Net of Insurance**, excluding all applicable insurance expenses and policy costs allocated to the Project for Workers' Compensation, Employers Liability, General Liability, on-site Excess Liability, and Builder's Risk insurance.

The Contractor and its Subcontractors shall be required to comply with all provisions of the applicable Project Safety Manual as such compliance has a direct bearing on the insurance costs of the Authority. Some of these provisions may have additional cost implications, which could impact the bid price.

Subcontractors not enrolled in the OCIP will be required to maintain their own insurance and will be required to participate in the Project Safety Program.

SECTION 3 – PROJECT RATING PROPOSAL

3.1A SUBMISSION OF PROJECT RATING PROPOSAL

A project rating is effective for 24 months, and a firm may request that the Authority apply that rating to a particular bid, provided there has been no negative change in the evaluative criteria upon which the rating is based. If applying the most recent project rating limit, the Bidder **MUST** still complete pages 1 (Bidder's name) and 7 (signature page).

Otherwise, all Bidders are required to submit a completed Project Rating Proposal on or before the date and time listed in the Bid Advertisement or such other date as set by Addenda ("submission date"). All Project Rating Proposals must be delivered in accordance with Section 8 herein. **Faxed or emailed copies will be rejected.**

Bidders shall fill in all relevant blank spaces in the Project Rating Proposal form in ink or by typewriting.

The Bidder must sign the Project Rating Proposal form in ink and all signatures **must be original**. If the Bidder is an Authority, partnership or sole proprietorship, the legal name of the Bidder shall be printed or typed on the line provided. The Project Rating Proposal **must be** signed by an officer, partner or principal of the firm, as applicable, witnessed and the Corporate Seal must be affixed to the signature.

Projects listed on the Project Rating Proposal must be the experience of the Bidder and must have been **completed** within the past seven (7) years. "Completed" is defined as projects where - at a minimum - a Temporary Certificate of Occupancy (TCO) has been granted or in the case where a new or amended certificate of occupancy is not required, projects that are 100% complete.

Do not submit a separate list of projects to be used as references.

All Bidders shall submit a copy of a valid Business Registration Certificate for State Agency and Casino Service Contractors issued by the Department of Treasury, Division of Revenue.

The Bidder must provide at least **two (2) projects**, but preferably four (4) projects, meeting the above criteria or it will be deemed ineligible to submit a Price Proposal.

The Project Rating Proposal of the successful Bidder with whom the Authority executes a contract will be incorporated into the Contract Documents, as if fully rewritten therein.

3.1B SUBMISSION OF PROJECT RATING PROPOSAL BY A JOINT VENTURE

When two or more Bidders, **each** having valid classifications in the trade category or categories required by the Bid Advertisement, propose to form a joint venture for the purpose of submitting a bid on a specific package, the joint venturers shall submit a Statement of Joint Venture, in the form prescribed by the Authority, with their Project Rating Proposals. For joint venture Bidders, each individual firm comprising the joint venture shall submit a separate Project Rating Proposal that will be individually evaluated. The Project Rating Limit for each individual firm that comprises the joint venture will be added together to achieve a Project Rating Limit for the joint venture.

Each member of the Joint Venture must sign its Project Rating Proposal form in ink and all signatures **must be original**. If the Bidder is a corporation, partnership or sole proprietorship, the Project Rating Proposal must be signed by an officer, partner or principal of the firm, as applicable, witnessed and the Corporate Seal must be affixed to the signature.

3.2 DETERMINATION OF PROJECT RATING LIMIT

A Bidder's Project Rating Limit will be determined by the following:

The Bidder's largest listed project X (1+ the sum of Sections 3.2.1, 3.2.2 and 3.2.3 listed below) X Performance Evaluation Multiplier (if applicable).

A Bidder's Project Rating Limit cannot exceed 170% of the Bidder's largest listed project.

A Bidder's Project Rating Limit will be adjusted based on the Bidder's current Performance Evaluation Multiplier.

In determining the Bidder's largest listed project the following will not be used:

- If a reference contact rates a firm "Below Expectations" in either safety or quality of construction, or if the overall reference adjustment as described below in Section 3.2.1 is -5 (minus five) or lower, the Authority will not use that project in the determination of the Bidder's Project Rating Limit.
- If the Authority cannot contact a reference source, the Authority will contact the Bidder for another "Owner's Contact" for that project. If the Bidder is unable to provide an "Owner's Contact", or if the Authority is unable to contact the second "Owner's Contact" provided by the Bidder, the Authority will not use that project in the determination of the Bidders Project Rating Limit.

3.2.1 REFERENCES

The Authority will select, at its discretion, two (2) projects or owner contacts listed in the Project Rating Proposal and obtain reference information from these contacts. Reference information will include the following seven (7) categories:

- Safety.
- The quality of the construction.
- The timeliness of the work performed.
- The efficiency of the Bidder's contract administration.
- Supervision of subcontractors.
- The Bidder's level of cooperation during the course of the construction.
- The timeliness and efficiency of punch list work corrections.

Project contacts will be asked if the performance in each of the seven (7) categories "exceeded expectations," "met expectations" or fell "below expectations," and the Authority will assign to the response the percentage adjustment listed below as appropriate for the response provided for each project or owner reference contacted :

	<u>Exceeded Expectations</u>	<u>Met Expectations</u>	<u>Below Expectations</u>
Safety	+5%	+3%	-5%
Quality of the construction.	+5%	+2%	-5%
Timeliness of the work performed.	+2%	+1%	-2%
Efficiency of the Bidder's contract administration.	+2%	+1%	-2%
Supervision of subcontractors.	+2%	+1%	-2%
Bidder's level of cooperation during construction.	+2%	+1%	-2%
Timeliness and efficiency of punch list work corrections.	+2%	+1%	-2%

The Authority will then total the project reference adjustments together and the sum shall be the "Reference Adjustment".

3.2.2 SAFETY

- A. Based on the current New Jersey (or other state's) Workers Compensation Insurance Experience Modification Rate (EMR) listed by the Bidder in the Project Rating Proposal, the Authority will assign an EMR percentage as listed below:

EMR is less than or equal to .80	+30%
EMR is > .80 but less than or equal to .90	+20%
EMR is > .90 but less than or equal to 1.00	+10%
EMR is >1.00 but less than or equal to 1.10	-10%
EMR is >1.10 but less than or equal to 1.20	-20%
EMR is >1.20	-40%

- B. Based on the Safety Professional information listed by the Bidder in the Project Rating Proposal the Authority will assign a Safety Professional percentage as listed below:

	<u>Yes</u>	<u>No</u>
Employee of the firm completed OSHA 500 or OSHA 502 in last 4 years.	+2%	0%
Employee of the firm completed (CCHEST) STS-Construction.	+2%	0%
Employee of the firm completed AGC/A Safety Management Course.	+2%	0%

The Authority reserves the right to verify any information supplied by the Bidder on its Project Rating Proposal.

The Authority will add the EMR percentage and the Safety Professional percentage together for and the sum shall be the "Safety Adjustment".

3.2.3 PREVAILING WAGE

Based on the Prevailing Wage Record with the N.J. Department of Labor as listed by the Bidder in the Project Rating Proposal, the Authority will assign a Prevailing Wage Adjustment as listed below:

The firm has been adjudicated to have committed the following prevailing wage rate violations during the past five (5) years:

Committed No Violations	0%
Committed One Violation	-10%
Committed More than One Violation	-20%

The Authority reserves the right to verify any information supplied by the Bidder on its Project

Rating Proposal.

3.2.4 PERFORMANCE EVALUATIONS

Every construction project managed by the Authority will be evaluated by two evaluators for the following: quality of work; scheduling; management; cost control and change orders; safety and industrial hygiene; subcontractors; small business goals; and close-out.

Evaluation rating values are:

- Outstanding (O) or 100 percent – far exceeds the contract requirements by consistently exhibiting excellent performance. Typically meets and regularly exceeds the contract requirement;
- Very Good (VG) or 90 percent – often exceeds the contract requirements and frequently provides a high level of performance. Typically meets and often exceeds the contract requirements;
- Satisfactory (S) or 80 percent – provides an acceptable level of performance consistently meeting the contract requirements;
- Marginal (M) or 70 percent for scheduling, management, cost control and change orders, subcontractors, close-out and 40 percent for quality of work, safety and industrial hygiene, and small business goals – performs slightly below the requirements of the contract, meeting the contract requirements on an intermittent basis; and
- Unsatisfactory (U) or 60 percent for scheduling, management, cost control and change orders, subcontractors, close-out and 20 percent for quality of work, safety and industrial hygiene, and small business goals – fails to meet important contract requirements, resulting in a negative impact on the entire project.

The contractor’s Performance Evaluation Summary Rating shall be the mathematical average of the two evaluators’ ratings. In the event that there are multiple Performance Evaluation Summary Ratings for a contractor, the contractor’s Performance Evaluation Summary Rating shall be the mathematical average of all Performance Evaluation Summary Ratings.

The Authority will assign a Project Evaluation Performance Multiplier as listed below:

Performance Evaluation Summary Rating	Performance Multiplier
80 points or higher	1.00
70 points to 79.9 points	.50
69.9 points or lower	.25

This Performance Multiplier shall be used in the calculation of the firm’s Project Rating. In the event that a contractor does not have a Performance Evaluation Summary Rating, the Authority will disregard the Performance Multiplier in the calculation of the firm’s Project Rating.

3.3 NOTIFICATION OF PROJECT RATING LIMIT

Within five (5) business days after the submission date as listed in the Bid Advertisement or such other date as set by Addendum, the Authority will inform all Bidders by facsimile, mail or posting on the Authority’s web site (www.njsda.gov) of the Bidder’s Project Rating Limit. **A Bidder’s Project Rating Limit cannot exceed the Bidder’s Aggregate Rating.**

Any Bidder who disagrees with its Project Rating Limit may challenge the determination by making a written request to the Senior Director of Procurement setting forth the specific grounds for the challenge. The challenge must be received by the Authority within three (3) business days of the posting of the results on the Authority’s

web site (www.njsda.gov). The Director, or his/her representative, will review the challenge and issue a final written determination within three (3) business days of receipt of written request. At the discretion of the Senior Director or his/her representative, additional information may be requested from the Bidder, in which case formal written determination will be issued within three (3) business days of receipt of said information. The determination will be made strictly on the information submitted.

SECTION 4 – PRICE PROPOSAL

4.1 A PRICE PROPOSAL

Any exception to the wording of the bid form shall cause the Price Proposal to be rejected as non-responsive.

Unless the Bidder withdraws its Price Proposal prior to the Price Proposal submission date and time, as provided in Section 4.3 herein, the Bidder shall be required to comply with all requirements of the Contract Documents.

The Bidder shall fill in all relevant blank spaces in the Price Proposal in ink or by typewriting. The Bidder shall show all bid amounts in both words and figures. In the event of a discrepancy between the words and figures, the amount shown in words shall govern. In the case of a conflict between the total lump sum bid price and the sum of the prices allocated to each school in the package, **the total lump sum bid price shall govern.**

Unit Pricing - Where unit pricing applies, in case of a discrepancy between the amount shown in words and the amount shown in figures, the amount shown in words shall govern. In the event that the NJSDA has requested unit pricing, the paragraph entitled "Consideration of Unit Pricing," Section E.3 of the Price Proposal Unit Pricing (PPUP) Form shall govern.

The Bidder must sign the Price Proposal in ink and all signatures **must be original**. If the Bidder is a corporation, partnership or sole proprietorship, the legal name of the Bidder shall be printed or typed on the line provided. The Price Proposal **must be** signed by an officer, partner or principal of the Bidder, as applicable, witnessed and the Corporate Seal must be affixed to the signature. **A Bidder may not submit a Price Proposal that exceeds its Project Rating Limit for a project.**

All bidders **must** submit a copy of the Uncompleted Contracts Form for themselves and for any subcontractor identified in the bid advertisement. Failure to submit an Uncompleted Contracts Form with the Price Proposal will result in rejection of the bid.

4.1 B PRICE PROPOSAL BY A JOINT VENTURE

Bidders submitting a bid as a Joint Venture shall comply with all the requirements in section 4.1A. In addition, each member of the Joint Venture shall sign the Price Proposal, have its signature witnessed and the Corporate Seal must be affixed to the signature.

4.1 C REQUIRED CLASSIFICATION AND SUBMITTALS

Each Bidder and subcontractor(s) must be classified/registered by the Department of the Treasury, Division of Property Management and Construction; Department of Labor; by the Department of Treasury, Division of Revenue and must be prequalified by the Authority in the trade(s) specified in the Bid Advertisement so that the Bidder and subcontractor(s) classifications, when considered in totality, meet the requirements of the Bid Advertisement and as modified by Addendum.

The Authority requires all subcontractors of any tier in the DPMC Trade Classifications listed in the Bid Advertisement whose contract is in an amount which is equal to or greater than \$500,000 must be pre-qualified by the NJSDA.

Each Bidder shall include all required documentation with its Price Proposal, including, but not limited to:

- A submission of a valid Bid Bond in the proper amount on the form supplied by the Authority.
- "Total Amount of Uncompleted Contracts" form as provided by the Authority and completed by the Bidder.
- "Total Amount of Uncompleted Contracts" form as provided by the Authority and completed by the respective subcontractor(s) for any subcontractor identified in the bid advertisement.
- Failure to submit an Uncompleted Contracts Form(s) with the Price Proposal will result in rejection of the bid.

The Authority requests that every Bidder submit the following:

- Copies of their current, valid certificates of registration issued pursuant to "The Public Works Contractor Registration Act," P.L. 1999, c. 238; for the Bidder and subcontractors in the trades listed in the Bid Advertisement.
- Copies of their current Classification Notice with the Department of Treasury, Division of Property Management and Construction; for the Bidder and subcontractors in the trades listed in the Bid advertisement.
- Copies of their current, valid Business Registration Certificate for State Agency and Casino Service Contractors issued by the Department of the Treasury, Division of Revenue, for the Bidder and subcontractors in the trades listed in the Bid Advertisement and.
- Copies of all current, valid contractor or trade licenses and permits required under applicable New Jersey law, for the Bidder and subcontractors in the principal trades listed in the Bid Advertisement.

4.2 DELIVERY OF PRICE PROPOSALS

The Price Proposal shall be enclosed in a sealed envelope that is clearly marked with the Bidder's Name, Contract Number, Contract Name, School District, County and the date of Price Proposal submission.

The Bidder must submit its sealed Price Proposal to the Authority in accordance with Section 8 herein.

If the sealed Price Proposal is enclosed in another envelope for the purpose of delivery, the exterior envelope shall be clearly marked as containing a Price Proposal with the Bidder's name, Contract Number, Contract Name and the date of the Price Proposal submission shown on the envelope.

Any Price Proposal that arrives after the time set for submission will be returned to the Bidder unopened.

4.3 WITHDRAWAL

A Bidder may withdraw a Price Proposal after it has been received by the Authority, provided the Bidder makes a request in writing to the Director of Contract Procurement of the Authority in accordance with Section 8 herein, and the request is received by the Authority prior to the deadline for the submission of the Price Proposal. **Price Proposals may not be withdrawn after the submission deadline has passed.**

If a Bidder wants to make a change in a previously submitted Price Proposal, it must do so prior to the deadline for submission, by submitting a letter requesting the withdrawal of the previous submission and acceptance of a replacement Price Proposal.

4.4 OPENING OF PRICE PROPOSAL

All Price Proposals submitted on or before the date and time scheduled for submission will be publicly opened and the lump sum base prices submitted by the Bidders will be read at the time and place indicated in the Bid Advertisement, or such other time and place as may be established by Addendum.

Bidders, their authorized agents, and other interested parties are invited to be present.

The public opening and reading of Price Proposals is for informational purposes only and is not to be construed as an acceptance or rejection of any bid submitted.

4.5 PRICE PROPOSAL EVALUATION CRITERIA AND PROCEDURES

The Authority, in determining the successful Bidder, will evaluate the Price Proposals for responsiveness, including but not limited to verifying that:

- The submission of a valid Bid Bond in the proper amount;
- The Bidder and all subcontractors are classified, pre-qualified, registered and licensed as required by the Bid Advertisement; and
- The award of the contract in addition to the Bidder's uncompleted work will not exceed the Aggregate Rating of the Bidder.

The responsible Bidder whose responsive bid offers the Authority the lowest price and which does not exceed the Bidder's Project Rating Limit as established through the evaluation of the Project Rating Proposal, shall be named the successful Bidder.

SECTION 5 – BID BOND

The Bidder must submit with its Price Proposal a Bid Bond, equal to ten percent (10%) of the total cost of the lump sum base bid.

The Bid Bond requirement listed above is not applicable if the contract is for a sum not exceeding \$200,000.

The Bid Bonds of the apparent successful Bidder and the two next most successful Bidders will be returned after execution of the Contract or rejection of all Price Proposals. The Bid Bonds of all other Bidders will be returned no later than ninety (90) days after submission of the Price Proposal.

If, after issuance of a Notice of Award, the Bidder fails to comply with all requirements of Section 6 below within the time specified in the Contract Documents, the Authority may proceed to recover under the terms and conditions of the Bid Bond, in accordance with Section 6 below.

SECTION 6 – CONTRACT AWARD AND EXECUTION

Prior to determination of the successful Bidder, the Authority may request the following information from any Bidder:

- A bid breakdown, in CSI format, of the lump sum bid for each component of work. This information is not to be construed as a Schedule of Values or Trade Payment Breakdown, which may be required at a later date.

Such information must be supplied to the Authority within forty-eight (48) hours of the request.

Upon determination of the successful Bidder, the Authority shall so notify the successful Bidder by issuing a Notice of Award. **Immediately** upon receipt of the Notice of Award, the recipient of the Notice of Award shall complete and deliver the following documents to the Authority, on forms provided by the Authority:

- Executed form of Contract;
- Performance and payment bonds in the amount of one hundred percent (100%) of the contract amount, current attorney-in-fact instruments and financial statements of the surety must be included for **each** bond;
- Certificate(s) of insurance and, if requested, a certified copy of the successful Bidder's insurance policies, including a copy of additional insured endorsement;
- Owner's Controlled Insurance Program (OCIP) Enrollment Form;
- Subcontractor Approval Form Instructions and Form;
- Corporate resolution;
- "SBE Form A" and "Form C Certification of SBE Status" of the SBE Utilization Attachment, as provided by the Authority. The NJSDA requires the contractor to provide opportunities to SBE firms to participate in the performance of this engagement, consistent with NJSDA's SBE set aside goals of 25%, awarding 5% of the contract value to registered Category 4 SBE firms; 5% of the contract value to registered Category 5 SBE firms; and 5% of the contract value to registered Category 6 SBE firms; and 10% of the contract value to SBE firms registered in any of the three Categories.
- Integrity Affidavit;
- Disclosure to the Unit of Fiscal Integrity General Consent and Waiver;
- Business Registration Certificates for State Agency and Casino Service Contractors issued by the Department of Treasury, Division of Revenue for all subcontractors identified in the bid advertisement;
- N.J. Division of Purchase and Property "Two-Year Chapter 51/Executive Order 117 Vendor Certification & Disclosure of Political Contributions" and "Ownership Disclosure Form" as prescribed by Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13-20.25, superseding Executive Order 134 (2004)) and as amended by Executive Order 117 (2008).
- "Any other required documents."

The Authority may extend the time for submission of the documents set forth above if good cause is shown and if the Authority determines, in its sole discretion, that the delay in document submission will not unduly delay project schedules.

Failure on the part of the successful Bidder to execute and deliver all of documentation as provided in this Section, in the manner and within the time provided by the Contract Documents, is just cause for revocation of the Award and for the exclusion of the successful Bidder from bidding on subsequent Authority contracts for such period as the Authority may deem appropriate. If the Award is revoked for the above reasons, the Bid Bond shall become forfeited and the Authority may proceed to recover under the terms and conditions of the Bid Bond. At its discretion, the Authority may award the contract to the next lowest responsible Bidder, or re-advertise the Project, precluding the forfeiting Bidder from bidding on the re-advertised Project.

- N.J.S.A. 18A:7G-36, permits the Authority to utilize a construction contractor evaluation policy, which will only apply to the prime contractors and may impact a contractor's project rating limit on future NJSDA projects. A copy of the policy is available on the web at www.njsda.gov.

SECTION 7 – RIGHTS OF THE AUTHORITY

The Authority reserves the right to reject any Project Rating Proposal or Price Proposal that does not conform in all material respects with the requirements of the Contract Documents.

The Authority reserves the right to reject any Project Rating Proposal or Price Proposal deemed non-responsive.

The Authority reserves the right to reject any Project Rating Proposal or Price Proposal for any reason deemed to be in the best public interest.

The Authority reserves the right to reject any Price Proposal if the price exceeds the Authority's Construction Cost Estimate (CCE).

The Authority reserves the right to waive technicalities and the right to re-advertise for new bids.

The Authority reserves the right to rescind any determination of the successful Bidder or any Notice of Award if it determines that either was issued in error, or if it becomes aware of information or developments that impact on the responsibility of the Bidder.

SECTION 8 – DELIVERY/MAILING OPTIONS

Submission of any document(s) to the Authority shall comply with the following:

US Mail Address

NJSDA
P.O. Box 991
Trenton, New Jersey 08625-0991
Attn: (Insert name from Bid Advertisement)

Fed Ex, UPS, Courier, Hand Delivery

NJSDA
1 West State St. (Wachovia Bank Building)
Trenton, New Jersey 08625-0991
Attn: (Insert name from Bid Advertisement)

END OF INSTRUCTIONS TO BIDDERS