

***REQUEST FOR QUALIFICATIONS AND PROPOSALS***

*for*

**SITE CONSULTANT SERVICES**

*for*

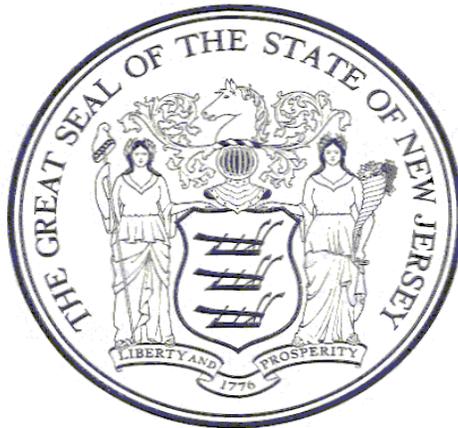
**SCHOOL FACILITIES PROJECTS**

**Contract No.: GP-0204-L01**

**Issued Date: May 28, 2014**

**Mandatory Electronic Notification of Intent Date: June 9, 2014**

**Proposal Due Date: June 24, 2014 by 4:30 p.m.**



STATE OF NEW JERSEY

**SCHOOLS DEVELOPMENT AUTHORITY**

32 East Front Street, PO Box 991, Trenton, NJ 08625

**REQUEST FOR QUALIFICATIONS AND PROPOSALS  
FOR  
SITE CONSULTANT SERVICES FOR SCHOOL FACILITIES PROJECTS**

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**INTRODUCTION**

The New Jersey Schools Development Authority (“NJSDA” or “Authority”) is seeking to procure Site Consultant services to support school facilities projects. These support services may include predesign and site feasibility; environmental site review; early site development; site/civil planning and design; design-build construction administration; emergent projects; and project closeout. This procurement is intended to create a selected pool of Site Consultants with relevant experience and qualifications to successfully complete these services. This Request for Qualifications / Request for Proposals (“RFQ/RFP”) defines the steps needed for participation in the procurement, and is issued pursuant to the Authority’s regulations governing the procurement of professional services consultants, N.J.A.C. 19:38C-1 et seq., in particular, the regulations governing procurement of consultants pursuant to term agreements, N.J.A.C. 19:38C-7.1 and -7.2.

The NJSDA intends to award a contract and enter into a “Site Consultant Services Agreement for School Facilities Projects” (the “Agreement”) with a minimum number of six (6) awardees in accordance with this solicitation. The maximum amount of compensation payable per firm pursuant to the “Agreement” shall not exceed \$3,000,000. The Term of the Agreement shall extend for a period of three (3) years or until all obligations of the Site Consultant to deliver services pursuant to any existing Task Order have been performed to the satisfaction of the Authority, whichever is later.

Task Order assignments under this engagement are contemplated to include predesign and site feasibility; environmental site review; early site development; site/civil planning and design; design-build construction administration; emergent projects; and project closeout activities associated with school facilities projects. Firms participating in this procurement must be prepared to provide services at standardized hourly rates, as indicated in Attachment C to this RFQ/RFP, when awarded or assigned task orders under this engagement. Fair and reasonable standardized field investigation equipment and analytical fees will be established by the Authority upon receipt and evaluation of Site Consultant Price Proposals.

This Site Consultant Services RFQ/RFP consists of the following:

1. Request for Qualifications and Proposals
2. Attachment A: (Response Forms):
  - a. Summary of Team Site Consultant Experience Form;
  - b. Team Site Consultant Experience Case Study Form;
  - c. Key Team Member List (Form 201);
  - d. Key Team Member Resume Form (Form 202);
  - e. List of Required Subconsultants by Discipline (Form 204);
  - f. Qualifications and Experience of Proposed LSRP Form;
  - g. Firm’s Qualifications and Experience in Land Development for Residential and Educational Purposes in New Jersey Form;

- h. Firm's Approach to Managing the Contract Form;
  - i. Approach to SBE Participation Form; and
  - j. Disclosure of Investment Activities in Iran Form.
3. Attachment B: Form of Agreement for Site Consultant Services for School Facilities Projects
  4. Attachment C: (Standardized Rates set by NJSDA)
  5. Attachment D: Price Proposal for Field Investigation Equipment and Analytical Services
  6. Attachment E: Sample SBE Forms B and C

These documents must be read in their entirety as they define the methodology for responding to this procurement, as well as describing the potential scope of services and responsibilities of the Site Consultant for projects awarded under this engagement. A firm wishing to submit a response to this RFQ/RFP must review and be thoroughly familiar with all terms and conditions of these documents. Note that Attachment B is the Master Form of Agreement that will govern this engagement, and enumerates the responsibilities and services required for the assignments made under this engagement. Contractual terms may be adapted for particular task orders, and thus the task order documents may vary from the example documents provided herewith. Contractual terms will be finalized upon award of particular task orders under this engagement, and modifications of the Agreement from the form of Attachment B will be specifically noted at the time of task order assignment or award.

Any firm responding to this RFQ/RFP must be registered with the Division of Revenue, and pre-qualified by the Department of Treasury, Division of Property Management and Construction ("DPMC") and the NJSDA in the following disciplines as of the due date for responses to this RFQ/RFP. In addition, the responding firm must be pre-qualified by DPMC and NJSDA in the following required disciplines OR must identify as part of their Team sub-consultants pre-qualified by DPMC and NJSDA in the following required disciplines as of the due date for this RFQ/RFP:

Bidder pre-qualified by DPMC and NJSDA in the Civil Engineering (P005) discipline with a \$5,000,000 minimum rating who will be required to engage a subconsultant pre-qualified by DPMC and NJSDA in each of the following disciplines if Bidder is not also pre-qualified by DPMC and NJSDA to perform services in that discipline:

- o P011 Environmental Engineering
- o P037 Asbestos Design
- o P038 Asbestos Safety Control Monitoring

**OR**

Bidder pre-qualified by DPMC and NJSDA in the Environmental Engineering (P011) discipline with a \$5,000,000 minimum rating who will be required to engage a subconsultant pre-qualified by DPMC and NJSDA in each of the following disciplines if Bidder is not also pre-qualified by DPMC and NJSDA to perform services in that discipline:

- P005 Civil Engineering
- P037 Asbestos Design
- P038 Asbestos Safety Control Monitoring

The foregoing identified subconsultant(s) shall be engaged by the responding firm as appropriate to the particular scope of work for a given task order upon assignment or award of a task order under this procurement, and shall be identified by name on the Form 204 as supplied by NJSDA. For any of the required disciplines which the responding firm intends to self-perform, the responding firm shall state “self-perform” on the Form 204, and shall demonstrate that it is properly pre-qualified in that discipline.

The responding firm’s failure to identify properly pre-qualified subconsultants in the above required disciplines will result in disqualification.

In accordance with NJAC 19:38A-2.1, all subconsultants of any tier in the DPMC Disciplines listed below, whose contract is in an amount which is equal to or greater than \$500,000, must be pre-qualified by DPMC and the NJSDA.

- P001 Architecture
- P002 Electrical Engineering
- P003 HVAC Engineering
- P004 Plumbing Engineering
- P005 Civil Engineering
- P007 Structural Engineering
- P011 Environmental Engineering
- P015 Land Surveying
- P029 Construction Management
- P038 Asbestos Safety Control Monitoring
- P066 - P103 Materials Testing Laboratories

Responses to this RFQ/RFP must be received by the NJSDA Trenton Office by 4:30 PM Eastern Time on June 24, 2014.

Notice of Intent to Participate. The NJSDA shall not hold a traditional pre-proposal conference for this procurement. Any firm wishing to submit a proposal must sign in electronically by sending an e-mail Notice of Intent to Participate to James McElhenny at [jmcelhenny@njsda.gov](mailto:jmcelhenny@njsda.gov) no later than 5:00 PM Eastern Time on June 9, 2014.

Questions from Interested Firms. Firms may submit written questions regarding this procurement to the NJSDA by sending them by e-mail to James McElhenny at [jmcelhenny@njsda.gov](mailto:jmcelhenny@njsda.gov) no later than 5:00 PM Eastern Time on June 9, 2014. The questions and NJSDA answers will be provided via an addendum to the RFQ/RFP to each firm that submitted a timely Notice of Intent to Participate.

## **1.0 PROCUREMENT OVERVIEW**

**1.1 General.** This is a solicitation pursuant to the Authority’s regulations at N.J.A.C. 19:38C-1 et seq., seeking interested firms for the creation of a pool of site consultants to be assigned or awarded task orders to provide predesign and site feasibility; environmental site review; early site development; site/civil planning and design; design-build construction administration; emergent projects; and project closeout, and other services on a time and materials not to exceed basis as specified in the task order, and at specified hourly rates set by the NJSDA. Rates vary by type of professional services, title, and/or experience level of the person performing the services, and are defined in Attachment C to this RFQ/RFP.

**1.2 Selection Process.** The Selection Process contains four steps: (1) Submission of a technical proposal and sealed price proposal in response to the RFQ/RFP; (2) evaluation and scoring of responsive technical proposals by a selection committee; (3) development of a short-list consisting of the 12 most highly ranked firms; and (4) interviews of the short-listed firms.

The NJSDA has no obligation to make an award and reserves the right to waive any non-material defects, reject any or all responses for any reason in accordance with law, and/or terminate the selection process at any time.

**1.3 Task Order Assignment and Award.** Task orders under this engagement will be awarded pursuant to rotational assignments to pool members for performance of services on a time and materials not to exceed basis in accordance with the rates established in this procurement, with consideration given to the firms’: (1) capacity to undertake the assignment; (2) unique local municipality or school district experience; (3) specialized experience applicable to the assignment; (4) commitment to meet schedule requirements; (5) past performance; (6) assessment of potential conflicts of interest; and (7) number and value of previous awards on the contract in an effort to equitably distribute the work.

**1.4 Components of Response.** Firms responding to the RFQ/RFP shall thoroughly familiarize themselves with the RFQ/RFP to ensure responsiveness in their submission. A conforming Response consists of the following components:

1. Summary and Case Studies of Team Site Consultant Experience over the last five years on projects of similar type, size and complexity (Forms provided in Attachment A).
2. Key Team Member List (Form 201 provided in Attachment A).
3. Key Team Member Resume Form for each identified Key Team Member (Form 202 provided in Attachment A).
4. List of Required Subconsultants by Discipline (Form 204 provided in Attachment A).
5. Qualifications and Experience of Proposed LSRP (Form provided in Attachment A).
6. Firm’s Qualifications and Experience in Land Development for Residential and Educational Purposes in New Jersey (Form provided in Attachment A).
7. Firm’s Approach to Managing the Contract (Form provided in Attachment A).
8. Approach to SBE Participation (Form provided in Attachment A).
9. Disclosure of Investment Activities in Iran Form (Form provided in Attachment A).

10. Firm's Price Proposal for Field Investigation Equipment and Analytical Services  
**(to be submitted on the Attachment D Form with the Technical Proposal in a Separate Sealed Envelope).**

**A Firm's failure to include any of these required documents, or its failure to fully and properly complete these required documents may result in the rejection of its Technical Proposal as non-responsive, and disqualify the firm from participating in this procurement.**

Attachment D Price Proposals will not be opened until after the review and scoring of Technical Proposals and interviews with selected firms.

All of the above items must be included in the submission, with responses utilizing the Authority's Forms as indicated above.

**1.5 Evaluation and Scoring Process.** Each submission in response to the RFQ/RFP will be reviewed to determine responsiveness. Non-responsive submissions will be rejected without evaluation. Responsive submissions will be evaluated by a Selection Committee ("Committee") established for the purpose of evaluating responses to the RFQ/RFP. The Selection Committee will consist of no fewer than three SDA Staff members. The evaluation will be based upon the information provided by a firm in response to this RFQ/RFP, and any necessary verification thereof. Submissions shall be evaluated on the following Evaluation Criteria:

- Firm's Experience in Providing the Scope of Services
- Qualifications and Experience of Key Team Members
- Qualifications and Experience of Proposed LSRP
- Firm's Qualifications and Experience in Land Development for Residential and Educational Purposes in New Jersey
- Firm's Approach to Managing the Contract

Each Selection Committee Member will evaluate each submission with respect to each criterion on a scale of 0 to 10 as follows, to arrive at a Raw Score:

- Outstanding (9–10): depth and quality of response offers significant advantages.
- Superior (7-8): exceeds RFQ/RFP requirements with no deficiencies.
- Sufficient (5-6): meets RFQ/RFP requirements with no significant deficiencies.
- Minimal (3-4): meets RFQ/RFP requirements but contains some significant deficiencies.
- Marginal (1-2): comprehends intent of RFQ/RFP but contains many significant deficiencies.
- Unsatisfactory (0): requirements not addressed and lack of detail precludes adequate evaluation.

Weighting factors will then be applied to each of the Selection Committee Member

evaluations to arrive at a total weighted score as follows:

<b>RFQ/RFP Evaluation Criteria</b>	<b>Weighting Factor (Applied to Raw Score)</b>	<b>Maximum Available Points for Criteria</b>
<b>Firm's Experience in Providing the Scope of Services (Appendix B to Attachment B Form of Agreement)</b>	<b>3.0</b>	<b>30</b>
<b>Qualifications and Experience of Key Team Members</b>	<b>3.0</b>	<b>30</b>
<b>Qualifications and Experience of Proposed Licensed Site Remediation Professional</b>	<b>1.0</b>	<b>10</b>
<b>Firm's Qualifications and Experience in Land Development for Residential and Educational Purposes in New Jersey</b>	<b>2.0</b>	<b>20</b>
<b>Firm's Approach to Managing the Contract</b>	<b>1.0</b>	<b>10</b>
<b>Total Points Available:</b>		<b><u>100</u></b>

For each Firm's Technical Proposal, the individual category scores awarded by a particular Selection Committee member will be added together to calculate a score for that Technical Proposal. The maximum score for a Technical Proposal score is 100.

All of the scores awarded by the Selection Committee members to a particular Firm's Technical Proposal will be added together and averaged to arrive at a Final Technical Proposal Score for each Firm. The Responding Firms will be ranked based on their Final Technical Proposal Scores, and a shortlist of the twelve (12) highest-ranked Firms shall be determined. The shortlisted Firms will be notified to participate in interviews with the Selection Committee. If twelve (12) or fewer Firms submit valid, responsive Technical Proposals, then all such Responding Firms will be invited to participate in interviews with the Selection Committee.

The Selection Committee will interview each of the shortlisted Firms and evaluate each Firm on Interview Criteria that are the same as those used in the evaluation of the Technical Proposals, as follows:

- Firm's Experience in Providing the Scope of Services
- Qualifications and Experience of Key Team Members
- Qualifications and Experience of Proposed LSRP
- Firm's Qualifications and Experience in Land Development for Residential and Educational Purposes in New Jersey
- Firm's Approach to Managing the Contract

Each Selection Committee Member will evaluate each Firm's participation in the interview and assign a raw score for each Interview Category on a scale of 0 to 10 as follows:

- Outstanding (9–10): depth and quality of response offers significant advantages.

- Superior (7-8): exceeds RFQ/RFP requirements with no deficiencies.
- Sufficient (5-6): meets RFQ/RFP requirements with no significant deficiencies.
- Minimal (3-4): meets RFQ/RFP requirements but contains some significant deficiencies.
- Marginal (1-2): comprehends intent of RFQ/RFP but contains many significant deficiencies.
- Unsatisfactory (0): requirements not addressed and lack of detail precludes adequate evaluation.

Weighting factors will then be applied to each of the Selection Committee Member’s raw scores for each Interview Category as indicated below:

<b>Interview Evaluation Criteria</b>	<b>Weighting Factor (Applied to Raw Score)</b>	<b>Maximum Available Points for Criteria</b>
<b>Firm’s Experience in Providing the Scope of Services (Appendix B to Attachment B Form of Agreement)</b>	<b>3.0</b>	<b>30</b>
<b>Qualifications and Experience of Key Team Members</b>	<b>3.0</b>	<b>30</b>
<b>Qualifications and Experience of Proposed Licensed Site Remediation Professional</b>	<b>1.0</b>	<b>10</b>
<b>Firm’s Qualifications and Experience in Land Development for Residential and Educational Purposes in New Jersey</b>	<b>2.0</b>	<b>20</b>
<b>Firm’s Approach to Managing the Contract</b>	<b>1.0</b>	<b>10</b>
<b>Total Points Available:</b>		<b><u>100</u></b>

The weighted Interview Category scores awarded by a particular Selection Committee member will be added together to calculate an Interview Score for that Firm. The maximum Interview Score is 100.

All of the Interview Scores awarded to a particular Firm by the Selection Committee members will be added together and averaged to arrive at a Final Interview Score for each Firm. The Final Interview Score for each Firm will be added to the Final Technical Proposal Score for such Firm, and the two scores will be averaged to arrive at a Final Combined Score for each Firm. The maximum Final Combined Score is 100.

Based on the Final Combined Scores, the NJSDA will select at least six (6) of the highest ranked firms, and as many as twelve (12) firms for engagement. Price Proposals from the selected firms will then be opened and reviewed for responsiveness. The Price Proposals will be tabulated and that tabulation will be used by NJSDA staff as guidance to establish a uniform schedule of compensation for Field Investigation Equipment and Analytical Services to be employed on work assigned during the term of engagement. Acceptance of that schedule of compensation by a selected firm shall be a condition of award.

## **2.0 EVALUATION CRITERIA AND SUBMISSION REQUIREMENTS**

### **2.1 Firm's Experience in Providing the Scope of Services (30 Points)**

Firm's Site Consultant experience shall be evaluated based on the following:

A. Experience Summary. Provide a summary of relevant professional site consultant experience over the past 5 years. The experience summary must highlight professional experience relevant to predesign and site feasibility; environmental site review; early site development; site/civil planning and design; design-build construction administration; emergent projects; and project closeout. The summary should describe the experience of the responding firm, as well as the subconsultant members of the Team, and highlight the experience of the responding firm's working relationship with the firm's subconsultants.

B. Case Studies. Provide at least two (2), but not more than five (5) case studies that demonstrate experience relevant to the Scope of Services requested in the RFQ/RFP. The case studies must highlight experience within the past 5 years relevant to the Scope of Services. Case studies may be based on contracts with public or private sector clients. The case studies must describe the experience of the responding firm, and/or the experience of the subconsultant members of the Team, preferably in combination with the responding firm. One of the case studies must include a representative brownfield land development project in New Jersey that included a comprehensive review of site environmental quality, development of technical plans and bid specifications for site demolition and/or environmental remediation, and oversight of site demolition and environmental remediation activities. One of the case studies must include a representative project in New Jersey that included the performance of conceptual site planning services, development of schematic site plans, conceptual design of required site improvements and infrastructure, development of design documents for purposes of obtaining proposals from a contractor; and construction administrative services.

Each case study must identify the name and address of the contracting entity for the case study project, and the name, title and telephone number of a contact person associated with the contracting entity who is familiar with and able to comment on the team's performance on each project.

### **2.2 Qualifications and Experience of Key Team Members (30 Points)**

The term "Key Team Members" refers to those Team Members who may be employees or subconsultants of the Firm, who are proposed by the Responding Firm to perform the services under this engagement, and who will have a responsible role in the successful completion of the project and this engagement. Each responding Firm must complete and submit the Key Team Member List (NJSDA Form 201, provided in Attachment A), providing all the information requested on the form, continued onto additional sheets, if necessary.

Utilizing the Key Team Member Resume Form (NJSDA Form 202, provided in Attachment A), firms should provide a summary of each Key Team Member's experience, which must include, but is not limited to, a description of at least 3 projects for which the Team Member in question fulfilled

a role similar to that proposed for this engagement. The cited projects must be completed within the last 5 years.

**2.3 Qualifications and Experience of Proposed Licensed Site Remediation Professional (10 Points)**

The Firm shall submit a written statement describing the role of the Firm's proposed Licensed Site Remediation Professional (LSRP). The written statement shall include a summary of the LSRP's qualifications and experience, the expected role of the LSRP during the various phases of NJSDA school facilities projects, and an example of the deliberative process used by the LSRP in determining whether professional judgment enables an environmental risk-based remedial action variance to technical remediation requirements.

**2.4 Firm's Qualifications and Experience in Land Development for Residential and Educational Purposes in New Jersey (20 Points)**

The Firm shall submit a written statement describing the Qualifications and Experience of the proposed project team in managing the environmental review process for a residential or educational development project in New Jersey. The written description shall include an example of how strategies employed by the Firm during the environmental review process have minimized the potential for unforeseen conditions to arise during early site development, demolition, site development, and construction.

**2.5 Firm's Approach to Managing the Contract (10 Points)**

The Firm shall submit a written statement indicating the Firm's approach to the contract, including the following:

- Describe how your firm will effectively manage the administration of the contract from a financial perspective including, but not limited to, invoicing, preparation of detailed invoice cover letters that summarize the work performed during the billing period, and identification of significant changes to the scope that may require future authorizations.
- Describe the Firm's understanding of the scope and challenges of the potential project assignments. Describe the Firm's approach to management of subconsultants.
- Describe the Firm's approach in balancing the requirements of the LSRP with the Authority's objectives.
- Describe the Firm's quality control and assurance program related to project deliverables.
- Describe the Firm's understanding of project employee safety concerns
- Describe the Firm's approach to coordination and interaction with regulatory agencies that may have jurisdiction over NJSDA school facilities projects.

**3.0 ADDITIONAL RFQ/RFP RESPONSE SUBMISSION REQUIREMENTS AND DELIVERY INFORMATION**

**3.1 Business Registration Certification (0 Points – Required Submittal)**

Pursuant to N.J.S.A. 52:32-44(b), as amended by P.L. 2004, c. 57, each proposing firm must provide proof of valid business registration with the Division of Revenue of the New Jersey Department of the Treasury (the “Division of Revenue”), in its Proposal.

Any subcontracted firm of the firm selected as a Site Consultant must provide the selected firm with a copy of its business registration, which the selected Site Consultant must forward to the Authority. No firm selected as a Site Consultant may enter into any subcontract with a firm that has not provided proof of valid business registration to the selected firm, for forwarding to the NJSDA. The NJSDA shall duly file all business registrations with the other procurement documents relating to the contract. **Business registrations of proposed subconsultants, if any, are NOT required to be included in a firm’s Proposal.**

Firms not currently in possession of a valid business registration may obtain New Jersey Business Registration assistance by going on-line to [www.state.nj.us/treasury/revenue/gettingregistered.shtml](http://www.state.nj.us/treasury/revenue/gettingregistered.shtml) or by calling the New Jersey Department of Treasury at (609) 292-9292. Please be advised, however, that business registrations are mailed generally within seven to ten days, so firms should plan accordingly.

### **3.2 SBE Participation (0 Points – Required Submittal)**

Utilizing the Authority’s Approach to SBE Participation Form (Provided in Attachment A), and based upon an understanding of the proposed scope of services, the responding firm shall submit a description of the Team’s approach to ensuring that the Authority’s SBE participation goals will be met, in accordance with Section 5.1 of this RFQ/RFP. The narrative for the approach to SBE participation shall be no more than 500 words.

### **3.3 Disclosure of Investment Activities in Iran Form (0 Points – Required Submittal)**

Using the form provided by the NJSDA, the responding firm must submit a Disclosure of Investment Activities in Iran Form, pursuant to Public Law 2012. C. 23 (codified at N.J.S.A. 52:32-55 et. seq.) (the “Act”). Pursuant to the Act, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract with the New Jersey Schools Development Authority (“NJSDA”) must complete a Certification which states that the person or entity, or one of the persons or entity’s parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the New Jersey Department of the Treasury (“Treasury”) as a person or entity engaging in investment activities in Iran. Such a Certification must be in the form attached hereto in Attachment A, and included with the firm’s Technical Proposal. **Failure to submit such Certification will result in the disqualification of the bid and rejection of the Technical and Price Proposals.**

### **3.4 Price Proposal (0 Points – Required Submittal)**

Firms must complete and return a Price Proposal for Field Investigation Equipment and Analytical Services in the format set forth in Attachment D to this RFQ/RFP. The Price Proposal Form for Field Investigation Equipment and Analytical Services shall be submitted to the Authority in a **Separate Sealed Envelope with the Technical Proposal.**

### 3.5 **Submission Mailing and Delivery Instructions**

The firm must submit one (1) unbound original, four (4) bound copies and two (2) electronic copies in PDF format on CDs of its Technical Proposal, accompanied by an original, signed, sealed Price Proposal no later than **4:30 PM Eastern Time on June 24, 2012** as follows:

**If submitting by hand or overnight delivery, at the:**

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY  
32 East Front Street  
Trenton, New Jersey 08625-0991  
Attention: James McElhenny, Sr. Procurement Analyst  
Subject: Site Consultant Services - GP-0204-L01

**If submitting by U.S. Mail, address packages to:**

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY  
P.O. Box 991  
Trenton, New Jersey 08625-0991  
Attention: James McElhenny, Sr. Procurement Analyst  
Subject: Site Consultant Services - GP-0204-L01

Submissions received after the date and time listed above will not be forwarded to the Selection Committee for review.

**Faxed or e-mailed Proposals shall not be accepted.**

### 4.0 **PRE-AWARD REQUIREMENTS**

After completion of the RFQ/RFP process and determination of the successful firms, the NJSDA shall require the following additional information prior to the award of the contract:

**4.1 Subconsultant Business Registration Certification.** Proof of valid business registration with the Division of Revenue of the New Jersey Department of the Treasury (the “Division of Revenue”) for all subconsultants must be provided to the Authority. **This is a pre-award requirement. Do not submit Subconsultant Business Registration Certifications with your Qualifications and Technical Proposal.**

**4.2 Campaign Contributions Disclosure and Contracting Ineligibility.** The NJSDA and participants in this procurement are subject to the provisions of P.L. 2005, c. 51 (enacting N.J.S.A. 19:44-20.13 to -20.25, and amending and supplementing N.J.S.A. 19:44A-20.1 *et seq.*) which impose restrictions on State agencies and independent authorities to insulate the procurement, negotiation and award of state contracts from the risk or appearance of improper influence in connection with political contributions. Additionally, this procurement is subject to the terms of Executive Order No. 117 (2008), which is designed to enhance New Jersey’s efforts to protect the

integrity of government contractual decisions and increase the public's confidence in government. The Executive Order builds on the provisions of P.L. 2005, c. 51 ("Chapter 51"), and limits contributions to certain political candidates and committees by for-profit business entities that are, or seek to become, State government vendors.

The provisions of Chapter 51 and Executive Order No. 117 (2008) make political contributors ineligible for award of state contracts for specific periods of time depending on the nature of the contribution. Accordingly, a selected firm will be required to respond in a timely fashion to certification and disclosure requirements that will be stated in the Notice of Award issued by the NJSDA.

**a. Certification and Disclosure Forms.** Each Firm shall receive a Notice of Award that will, among other things, notify the Firm that it must submit a Certification and Disclosure of Political Contributions form and Business Entity Disclosure form as provided by NJSDA. Failure to submit these forms in a timely fashion shall be cause for rejection of the Firm.

**b. Firm's Continuing Obligation to Comply with P.L. 2005, c. 51.** The Firm shall be required on a continuing basis to disclose and report to NJSDA any contributions made during the contract term by the Business Entity on forms provided by NJSDA, at the time it makes the contribution.

**4.3 Annual Political Contributions Disclosure Statement.** Firms are advised of their responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission ("ELEC"), pursuant to N.J.S.A. 19:44A-20.18 and 20.19 (P.L. 2005, c. 271, section 3), in the event they receive contracts in excess of \$50,000 from a public entity in a calendar year. It is a Firm's responsibility to determine if filing is necessary. Failure to so file can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available from ELEC at 888-313-3532 or at <http://www.elec.state.nj.us/>.

**4.4 Outsourced Services Special Provisions.** Under P.L. 2005, c. 92 (formerly Executive Order No. 129 (2004)), the NJSDA shall not award a contract to a bidder that submits a bid proposal to perform services, or to subcontract with a firm to perform services, outside the United States, unless certain conditions are met. If, during the term of the contract, the Consultant or subcontracted firm, who had on contract award declared that services would be performed in the United States, proceeds to shift the performance of the services outside of the United States, the Consultant shall be deemed in breach of the Agreement, unless the NJSDA Procurement Director shall have first determined in writing that extraordinary circumstances require a shift of services or that a failure to shift the services would result in economic hardship to the NJSDA or the State.

**4.5 Anti-Discrimination Requirements.** In addition, the Consultant shall not discriminate in employment and shall abide by all anti-discrimination laws including those contained within N.J.S.A. 10:5-1 et seq. and all rules and regulations issued there under, including N.J.A.C. 17:27-1.1 et seq. **Accordingly, in a notice of award, a firm shall be required to submit to the NJSDA, with its executed Agreement, one of the following three documents:**

- (1) appropriate evidence that the contractor is operating under an existing Federally approved or sanctioned affirmative action program;
- (2) a certificate of employee information report approval issued in accordance with N.J.A.C. 17:27-4.2; or
- (3) an initial employee information report (Form AA302)\* provided by the Affirmative Action Office and completed by the contractor in accordance with N.J.A.C. 17:27-4.2.

\*The original of the Form AA302 shall be provided to the New Jersey Department of Treasury. Please see following link for details.

[http://www.state.nj.us/treasury/contract\\_compliance/pdf/aa302ins.pdf](http://www.state.nj.us/treasury/contract_compliance/pdf/aa302ins.pdf)

**4.6 Insurance and Indemnification.** A successful Firm shall be required to provide evidence of the insurance coverages required in Section 12.1 of the Agreement, Attachment B to this RFQ/RFP, at the time of execution of the Agreement. This is a pre-award requirement. Do not submit with your Technical Proposal.

## **5.0 OTHER REQUIREMENTS**

### **5.1 Firm's Proposal for SBE Set-Aside Targets (NJSDA SBE Form B (Design Consultant) and SBE Form C (Confirmation of SBE Status and Bid Price)).**

This is a post-award requirement, which must be fulfilled at the time of assignment or award of a specific task order under this engagement. In staffing its team for a specific task order under this engagement, the selected Consultant shall be required to make good faith efforts to ensure that small business enterprises ("SBEs") have the maximum practicable opportunity to participate in the performance of this engagement. A 25% target has been established pursuant to N.J.A.C. 12A:10-1.1 et seq., and Executive Order No. 71 (2003). There are presently six categories of SBE entities, classified by comparative sizes based upon average annual revenue for purposes of professional service contracts. Three of these categories are relevant to this engagement: firms shall be required to meet set-aside targets of 5% for Category 1, 5% for Category 2, 5% for Category 3 and the remaining 10% to be allocated among Categories 1, 2, and 3.

Upon assignment or award of a specific Task Order under this engagement, the successful firm shall submit a completed NJSDA SBE Form B (Design Consultant), identifying all SBE firms proposed for use on the task order to meet (or exceed) the set-aside targets. Each SBE firm listed on SBE Form B shall complete SBE Form C for its portion of the Task Order, and the Prime Consultant shall complete the Acknowledgement and Consent section of SBE Form C. Completed SBE Forms C and required copies of SBE Certificates shall be submitted with the completed SBE Form B. Attachment E contains sample SBE Forms B and C.

Please note that NJSDA will only consider firms duly registered with the Department of Treasury, Division of Revenue as SBEs, when evaluating satisfaction of SBE goals. Any firm identified as an SBE shall be registered as such with Department of Treasury, Division of Revenue when the firm

submits its proposal, in the revenue category specified. In the event that a proposing firm names a subconsultant for SBE purposes, and the subconsultant is not registered as an SBE with NJ Department of Treasury, Division of Revenue at the time of proposal, the proposing firm shall disclose that fact and explain how and when the lack of registration shall be cured.

If a firm fails to show that it will meet SBE subcontracting targets, it shall document its good faith efforts to meet the targets, in accordance with the provisions of N.J.A.C. 17:14 et seq.

A firm shall not be permitted to remove or substitute any firms listed on NJSDA SBE Form B without prior written approval from the Authority.

For more information on statewide listing of firms certified as small, woman and minority owned business enterprises and to learn more about the Standards of Eligibility to become registered as a "Small Business" contact the Business Services Call Center at 1-866-534-7789, or visit New Jersey's business web portal: <http://www.nj.gov/njbusiness/contracting>

## **5.2 Other Information As Required.**

The NJSDA may request additional information from selected firms as required under the Agreement, policies, procedures or law.