REQUEST FOR PROPOSALS

for

SCHOOL FACILITY CONSTRUCTION WORK

for

Contract No.: PA-0006-C04

for the

New Elementary School at Marshall Street
Paterson, NJ

Mandatory Pre-Bid: 11:00 A.M., Thursday, February 21, 2013

SCHOOL FACILITIES CONSTRUCTION WORK
REQUEST FOR PROPOSALS

INTRODUCTION

Through this Request for Proposals ("RFP"), the New Jersey Schools Development Authority ("SDA") is seeking to award a contract for School Facilities Construction Work for the New Elementary School @ Marshall Street Project, in Paterson, New Jersey ("the Project"). The Construction Cost Estimate ("CCE") for this contract is $26,525,000. This RFP defines the steps required for participation in the procurement.

This CONSTRUCTION REQUEST FOR PROPOSALS consists of the following:

1. Request for Proposals
2. Technical Proposal Forms
3. Constructability Review Services Description

A mandatory pre-bid meeting will be held on **Thursday, February 21, 2013** at **11:00 AM** at the Paterson School District Office, 90 Delaware Avenue, Paterson, New Jersey 07503. In addition, a **mandatory site visit** will be held following the mandatory pre-bid meeting. All interested firms wishing to submit a proposal **must** attend **BOTH** the pre-bid meeting and the site visit.

Upon award, the NJSDA shall forward the Form of Contract to the successful bidder for immediate execution, **without modification**.

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SECTION 1 -- PROCUREMENT OVERVIEW

1.1 Introduction

This is a "Price and Other Factors" solicitation for construction of the New Elementary School at Marshall Street in Paterson, New Jersey. The project consists of a new, two-story, 105,491 gross-square-foot elementary school facility situated on approximately four acres with a target capacity of approximately 650 students in grades K-8. The project includes the construction of a

pedestrian bridge to cross active NJ Transit rail lines adjacent to the school site. The building includes general and specialized education classrooms, science and computer rooms, art and music rooms.

A. Use of Existing Steel Material Is a Requirement of the Bid and Contract

As part of the Work of this Contract, the contractor is required to incorporate into the project certain previously procured materials, now owned by the Authority, which consist of approximately 49 tons of structural steel, 55% of which has been fabricated in accordance with the existing design, and 45% of which remains un-fabricated (the "Existing Steel"). The structural steel is located at the warehouse of the steel fabricator, Haberle Steel Inc., ("Haberle") Souderton, PA. Bidders are required to undertake a prebid review and inspection of the existing structural steel materials, to determine the suitability and fitness of the material for construction. The selected Contractor shall be required to incorporate the existing structural steel materials into the Project, to the extent such materials are deemed suitable.

B. Use of Haberle Steel, Inc. as Fabricator and Steel Erector is a Requirement of the Bid and Contract

The SDA has determined that in order to secure maximum reuse of the existing steel, bidders shall be required to identify and subcontract with Haberle Steel, Inc. ("Haberle") to secure completion of the remaining fabrication work for the existing steel material, and all erection of the structural steel. Haberle has quoted a cost of $1,378,000 for such remaining fabrication and for all erection of the structural steel, as well as for delivery of all steel to the Project Site. Bidders shall be required to include this cost for fabrication and erection of the steel in their Price Proposals, and to identify Haberle in their Price Proposals as the subcontractor for structural steel. Through an agreement with Haberle, SDA has agreed to compensate Haberle for the storage of the Existing Steel to date. Bidders shall otherwise be responsible to contact Haberle and include any other costs relating to the use of the existing steel material, accruing from the date of the advertisement of this procurement, into their price proposals.

1.2 Procurement Process

This solicitation seeks responses from interested Bidders in the form of a two-step submission. Bidders will first submit a Project Rating Proposal, which will be used by the Authority to determine the Bidder's Project Rating Limit which establishes the maximum amount that the bidder may bid for the project. The Authority will advise each Bidder of the Project Rating Limit before further submissions are required.

The second step of the response requires the simultaneous submission of 1) a Technical Proposal, which provides information regarding the Bidder's past experience and qualifications as well as the Bidder's overall approach to the project and approach to the Constructability Review portion of the project, for evaluation by a Selection Committee charged with evaluation and scoring of the submittals with reference to the non-price "Other Factors" criteria identified in this solicitation; and 2) a sealed Price Proposal, which will remain sealed until completion of the

"Other Factors" evaluation and scoring, and which states the Bidder's fixed, lump-sum price for the project. The Price Proposal will be subject to scoring in accordance with the terms of this RFP.

PLEASE NOTE that the requirements for identification of required subcontractors for this procurement have been expanded and clarified as indicated in Section 4.2.2 of this RFP.

1.3 Basis of Award.

The Authority will award a contract to the Bidder whose proposal conforms with all the terms and conditions of the solicitation and whose proposal is determined to be the most advantageous to the Authority, price and other factors considered, in accordance with the terms of this RFP, and the provisions of the NJSDA's authorizing statute at N.J.S.A. 52:18A-243 and regulations adopted by the Authority at N.J.A.C. 19:38B (N.J.R. 3462(a)).

Price shall be considered significantly more important than all other factors combined, with price representing 90% of the weighted scoring and all other factors representing 10% of weighted scoring. The Authority reserves the right to accept other than the lowest price proposal, or reject all proposals.

1.4 Components of Response.

A responsive Proposal consists of the following three components:

- Project Rating Proposal (NJSDA Form PRP)
- Technical Proposal (**one unbound original, three bound copies, and one CD containing full cover-to-cover PDF copy required**) (FORMS PROVIDED)
- Lump Sum Price Proposal (NJSDA Form PP)

Any firm responding to this RFP must be classified by the Department of Labor, Department of Treasury, Division of Revenue, Department of Treasury, Division of Property Management and Construction and prequalified by the NJSDA in in one of the following DPMC Trade Classifications: C006 (CM as Constructor) or C008 (General Construction) as of the submittal due date for Project Rating Proposals and the submittal due date for technical and price proposals.

A. Project Rating Proposal

Interested firms must first submit the "Project Rating Proposal," which will be evaluated by the Authority in order to determine a firm's Project Rating Limit. A Project Rating Limit is effective for 24 months, and a firm may request that the NJSDA apply an existing rating to this procurement, provided there has been no negative change in the evaluative criteria upon which the Project Rating Limit is based.

Note that a firm's Project Rating Limit cannot exceed the firm's Aggregate Limit established by the Department of Treasury, Division of Property Management and Construction.

Interested firms must submit one (1) original copy of the Project Rating Proposal by **Wednesday, February 27, 2013** by **5:00 PM**.

Faxed or e-mailed Proposals shall not be accepted.

B. Technical Proposal

Interested firms must submit a Technical Proposal (**one unbound original, three bound copies, and one CD containing full cover-to-cover PDF copy required**), which provides responses to the non-price "other factors" evaluative criteria requirements of this RFP. The Technical Proposals must be received by the NJSDA by **5:00 PM** on **Wednesday, April 10, 2013**. Faxed or e-mailed Submittals shall not be accepted.

C. Lump Sum Price Proposal

Interested firms must submit with the Technical Proposal a sealed "Price Proposal," which contains the price the Bidder intends to bid for the work as well as other required information. The Price Proposal must be submitted on the form provided by the NJSDA.

A Bidder may not submit a Price Proposal that exceeds its Project Rating Limit for a project. A Bidder may not submit a Price Proposal that exceeds its Aggregate Limit, or which causes any one of the Subcontractors named in the Price Proposal to exceed that Subcontractor's Aggregate Limit.

Note that the Authority requires the contractor to provide opportunities to SBE firms to participate in the performance of the Work, consistent with the Authority's SBE Set-Aside Goals.

The Price Proposals must be sealed and submitted with the Technical Proposal and received by the NJSDA by **5:00 PM** on **Wednesday, April 10, 2013**. Faxed or e-mailed Price Proposals shall not be accepted.

1.5 Evaluation and Scoring Process.

For this procurement, price shall be weighted as significantly more important than all other factors, with price equaling 90% of the overall weight, and all non-price factors having a combined weight of 10%.

Each Technical Proposal will be reviewed to determine responsiveness. Non-responsive Proposals will be rejected without evaluation.

Responsive Proposals will be evaluated by a Selection Committee ("Committee") established for this purpose. The members of the Selection Committee will evaluate each Bidder's Technical Proposal and will independently provide a score for each Technical Proposal in each of the non-price evaluation categories described in this RFP, in accordance with the evaluation criteria described herein.

The evaluation will be based upon the information provided by a firm in response to this RFP, and any necessary verification thereof, and may be informed by interviews (if interviews are scheduled) that shall be conducted for the purpose of clarifying the information contained in the Technical Proposals.

The members of the Selection Committee will evaluate each Bidder's Technical Proposal, and may confer with each other regarding the content of the Technical Proposals before scoring, but each Selection Committee member will independently score each Technical Proposal in all of the non-price evaluation categories described in this RFP, in accordance with the evaluation criteria described herein. Technical Proposals shall be evaluated as follows:

Each Selection Committee Member will evaluate each Technical Proposal, assigning a raw score for each 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 RFP requirements with no deficiencies.
- Sufficient (5-6): meets RFP requirements with no significant deficiencies.
- Minimal (3-4): meets RFP requirements but contains some significant deficiencies.
- Marginal (1-2): comprehends intent of RFP but contains many significant deficiencies.
- Unsatisfactory (0): requirements not addressed and lack of detail precludes adequate evaluation.

The Selection Committee Members will perform the evaluation based on the following Evaluation Criteria, which shall have the following maximum raw point scores:

Evaluation Criteria	Weighting Factor	Maximum Points
Bidder's experience on similar projects	2.0	20
Experience of Key Team Members on similar projects	1.5	15
Bidder's prior affirmative action experience	.5	5
Bidder's schedule compliance on similar projects	1.0	10
Bidder's safety record	.5	5
Bidder's history of claims on payment bond	.5	5
Approach to Project	2.5	25
Approach to Constructability Review	1.5	15

Total:		100

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

All of the total non-price scores awarded to a Technical Proposal by the Selection Committee members will be added together and averaged to arrive at a final non-price score for each Technical Proposal. Once all the Technical Proposals have been scored, the Authority will reveal the Bidders' non-price scores at a public meeting in which the Authority will open the sealed Price Proposals and will review the Price Proposals for responsiveness. Non-responsive Price Proposals will be rejected.

The lowest responsive price proposal shall be awarded the maximum number of points for the price component, which shall be 100. All other price proposals shall be awarded points based on the percentage that each proposal exceeds the lowest bid.

For example:

CALCULATING PRICE POINTS

SAMPLE Bid Price	SAMPLE Points Calculation
Bidder #1: Price = $ **900,000**	Lowest Price = **100 points awarded**
Bidder #2: Price = $**1,100,000** Lowest Price - $ 900,000 Price Difference $ 200,000	$200,000 ÷ $900,000 = .22222 x 100 = 22.222 points 100 points – 22.222 points = **77.778** points **awarded**
Bidder #3: Price = $**1,200,000** Lowest Price - $ 900,000 Price Difference $ 300,000	$300,000 ÷ $900,000 = .33333 x 100 = 33.333 points 100 points – 33.333 points = **66.667** points **awarded**
Bidder #4: Price = $**1,400,000** Lowest Price - $ 900,000 Price Difference $ 500,000	$500,000 ÷ $900,000 = .55555 x 100 = 55.556 points 100 points – 55.556 points = **44.444** points **awarded**
Bidder #5: Price = $**1,000,000** Lowest Price - $ 900,000 Price Difference $ 100,000	$100,000 ÷ $900,000 = .11111 x 100 = 11.111 points 100 points – 11.111 points = **88.889** points **awarded**

Before being combined with the non-price scores, the price scores for all bidders will be adjusted by a weighting factor of 90%, and the scores for the non-price "other factors" criteria will be adjusted by a 10% weighting factor.

Once all the bidders' scores are weighted and compiled, the Authority shall determine the bidder with the highest combined score for price and the non-price "other factors" evaluative criteria, and will recommend that award be made to that Bidder.

For Example:
Weighting and Combination of Price and Non Price Points
Maximum Points for Price Proposal = 100 Points
Maximum Points for Non-Price Factors = 100 Points
Price Weighted 90 percent and Non-Price Factors Weighted 10 percent

SAMPLE Raw Points	SAMPLE Weighted and Combined Totals
Bidder #1: Price = $ 900,000 Price Points = 100 Non-Price Points= 44.4	Bidder #1 100 points for Lowest Price (100 x .9) + (44.4 x .1) = 90 + 4.440 = 94.440
Bidder #2: Price = $1,100,000 Price Points = 77.778 Non-Price Points = 100	Bidder #2 (77.778 x .9) + (100 x .1) = 70.000 + 10.000 = 80.99
Bidder #3: Price = $1,200,000 Price Points = 66.667 Non-Price Points = 80	Bidder #3 (66.667 x .9) + (80 x .1) = 60.000 + 8.000 = 68.000
Bidder #4: Price = 1,400,000 Price Points = 44.444 Non-Price Points = 71.1	Bidder #4 (44.444 x .9) + (71.1 x .1) = 40.000 + 7.110 = 47.110
Bidder #5: Price = 1,000,000 Price Points = 88.889 Non-Price Points = 88.9	Bidder #5 (88.889 x .9) + (88.9 x .1) = 80.000 + 8.890 = 88.890

SECTION 2 – PROJECT RATING PROPOSAL

2.1A Submission Of Project Rating Proposal

Bidders are required to submit a completed Project Rating Proposal for determination of a Project Rating Limit, or may request that the Authority apply a previously-determined Project Rating Limit, if that Project Rating Limit has been determined in the last 24 months.

A Project Rating Limit is effective for 24 months, and a firm may request that the Authority apply the most recent previously determined Project Rating Limit to this procurement, provided that the Project Rating Limit has been determined in the past 24 months, and there has been no negative change in the evaluative criteria upon which the Project Rating Limit is based. If applying the most recent Project Rating Limit, the Bidder MUST still complete page 1 (Bidder's name) and page 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 7 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 a corporation, 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.

2.1B 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.

2.2 Determination Of Project Rating Limit

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

The Bidder's largest listed project X + the sum of the percentage increases calculated in accordance with Sections 2.2.1, 2.2.2 and 2.2.3 listed below.

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

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

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 2.2.1 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.

2.2.1 PRP Reference Adjustment

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:

	Exceeded	Met	Below

	Expectations	Expectations	Expectations
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".

2.2.2 PRP Safety Adjustment

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:

	Yes	No
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 will add the EMR percentage and the Safety Professional percentage together for and the sum shall be the "Safety Adjustment".

2.2.3 PRP Prevailing Wage Adjustment

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%

2.3 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 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 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 3 – TECHNICAL PROPOSAL EVALUATION CRITERIA

Where applicable, submissions shall be prepared and submitted using the Forms provided by the Authority as specified below. The Technical Proposal shall provide information as indicated below, and each evaluation criteria shall have the maximum score indicated below.

3.1 Bidder's Experience on Projects of Similar Size, Cost and/or Complexity (20 Points)

Utilizing the Bidder's Experience form provided by the Authority, the Bidder shall submit at least three, but no more than six, case studies as examples of the Bidder's past experience in performing and managing construction projects comparable in size, cost and complexity to the Project. The case studies shall describe projects completed within the past seven (7) years, for which the Bidder served as the prime construction contractor. At least two of the case studies shall be based on public-sector work.

The case studies must concisely set forth the basic background information for the projects offered as comparables (dates and location and the cost and scope of the work. The case studies must describe the effectiveness of the cited projects, and the methodology used to measure such effectiveness (on-time delivery, successful completion of project, effective management of costs).

The case studies shall demonstrate why the cited projects are comparable to the Project in cost, size or complexity.

Where applicable, the case studies shall demonstrate the Bidder's experience working with the Subcontractors named in the Price Proposal.

The case studies shall demonstrate the Bidder's experience working on projects subject to NJDEP and NJDCA jurisdiction.

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

3.2 Key Team Members' Experience on Projects of Similar Size, Cost and/or Complexity (15 Points)

Utilizing the Key Team Member Resume form(s) provided by the Authority, the Bidder shall provide the following to show the qualifications of its team:

3.2.1 The Bidder shall provide an Organizational Chart showing the Key Team Members identified for the Project. At a minimum, the organizational chart shall identify the Key Team Members, the Contractor and the named Subcontractor entities included in the Price Proposal, their responsibilities, structure, and lines of authority. The following minimum Key Team members shall be identified by name:

a. Contractor's Project Manager;
b. Contractor's Superintendent;
c. Contractor's Safety Coordinator/Inspector;
d. Contractor's Quality Assurance/Quality Control Coordinator or Inspector.

3.2.2. The Contractor's Project Manager serves as the Authority's point of contact for the Project, and is defined by the Construction Agreement as the person "designated by the Contractor to serve as its representative for the Project and the Contract and who shall have the non-exclusive authority to bind the Contractor in all matters relating to the Contract Documents." The Contractor's Project Manager shall serve as the Authority's point of contact on all matters relating to Work including, but not limited to, contract compliance, progress of work, overall project scheduling, financial matters and contract changes. The person identified by the Bidder as the Contractor's Project Manager shall have a minimum of six years of project management experience in construction on projects of similar size, scope and complexity.

3.2.3. The Contractor's Superintendent is the person designated by the Contractor who serves as the Authority's on-site point of contact in all matters relating to the Work including, but not limited to, scheduling of work, supervision of subcontractors, testing and utility interruptions and connections. The Superintendent is responsible for supervision of the Contractor's Work through Final Completion of the Project, including the supervision of Subcontractors. The Superintendent shall be present on the Project Site whenever Work is being performed, and shall attend all weekly Project meetings. The Superintendent shall be capable of identifying existing and predictable hazards on the Site and working conditions that are unsanitary, hazardous, or dangerous to employees and shall have the authority to take prompt corrective measures to eliminate such hazards and conditions. The Contractor's Superintendent shall have authority to receive and transmit instructions and information and render decisions related to the Project on behalf of the Contractor, and shall have the authority to promptly secure or supply such materials, equipment, tools, labor, and incidentals as may be required. The Superintendent shall have the non-exclusive authority to bind the Contractor in all decisions, changes or other matters relating to the Project. All directions given to the Contractor's Superintendent shall be binding as if given to the Contractor. The Superintendent shall only perform construction supervisory activities for the Project and shall not perform Construction Work, administrative work or perform additional roles or functions on the Project (e.g., Safety Coordinator or Inspector, Quality Assurance/Quality Control Coordinator or QA/QC Inspector).

The person identified by the Bidder as the Contractor's Superintendent shall have a minimum of six years of construction experience on projects of similar size, scope and complexity.

3.2.4 The Contractor's Safety Coordinator/Inspector is the person identified by the Contractor who performs safety management duties required of the Contractor, and serves as the Authority's point of contact for all matters relating to project safety. The Contractor's Safety Coordinator/Inspector enforces and implements the safety requirements of the Contract, including the Contractor's Safety Plan. The Safety Coordinator/Inspector is on site at all times during building activities, foundations work, trench work and structural steel erection. The Safety Coordinator/Inspector may also perform the duties of the Contractor's Quality Assurance/ Quality Control Coordinator/Inspector, provided he/she meets the qualifications of each position.

3.2.5. The Contractor's Quality Assurance/Quality Control Coordinator/Inspector ("QA/QC Coordinator") is the person identified by the Contractor who shall be responsible for all construction quality issues, and shall perform coordination between the contractor, subcontractors, and any independent testing labs, and shall have the authority to act for the Contractor in all construction quality control matters. The QA/QC Coordinator shall be on-site at all times during construction to perform construction quality control duties. The QA/QC Coordinator is permitted to serve as the Contractor's Safety Coordinator/Inspector as well. The QA/QC Coordinator shall have a minimum of four years construction experience.

3.2.6 Utilizing the form provided by the Authority, the Bidder shall submit resumes of those employees designated as Key Team Members for the Project, and such resumes shall demonstrate the Key Team Members' project management experience on projects of similar size,

scope and complexity as the Project, and shall demonstrate the Key Team Members' experience working with the named Subcontractors, where applicable.

3.2.7 For each project cited in the Key Team Members' Resume Form, the Bidder must identify the name and address of the contracting entity and the name, title and telephone number of a contact person associated with the contracting entity that is familiar with and able to comment on the Bidder's performance on each project.

3.2.8 The Authority will evaluate the required information to determine how well the Bidder identifies and demonstrates that its key personnel meet or exceed minimum qualifications necessary, which includes previous satisfactory experience in similar types of work, to manage, control, and perform the construction. The Authority will evaluate how well the Bidder demonstrates that it has the necessary structure and sufficient experienced, qualified personnel within its organization to effectively manage, control and administer and execute the construction operations, subcontracts and quality control and safety programs.

3.3 Bidder's Demonstrated Prior Affirmative Action Experience (5 Points)

Using the Bidder's Demonstrated Prior Affirmative Action Experience form provided by the Authority, the Bidder shall provide a written statement indicating its demonstrated experience with regard to affirmative action. The statement shall indicate whether the Bidder has in place an existing affirmative action plan concerning its workforce and procurement practices and shall indicate the Bidder's approach for implementing its workforce goals on the proposed Project. The Bidder shall indicate whether it performs periodic reviews or self-audits of its affirmative action plan and workforce goals. The statement shall describe or attach the Bidder's policies on nondiscrimination in employment and hiring, equal employment opportunity for veterans and individuals with disabilities, and prevention of harassment and retaliation.

3.4 Bidder's Schedule Compliance Experience on Projects of Similar Size, Cost and Complexity (10 Points)

Utilizing the Bidder's Schedule Compliance Experience form, the Bidder shall describe the Bidder's experience with schedule compliance on each project, identified in the case studies supplied in response to Section 3.1 including describing: 1) whether the project was completed by the contractual completion date, as extended by agreement with the project owner; 2) whether and how the Bidder employed schedule recovery methods and whether such schedule recovery efforts were effective in meeting schedule requirements; and 3) whether the Bidder was assessed, charged with, or was otherwise liable for liquidated damages on any of the identified projects for failure to meet schedule or complete the project on time, and whether liquidated damages were paid by the Bidder or used by the project owner as an offset against claims asserted by the Bidder against the owner.

3.5 Bidder's Safety Record (5 Points)

Using the Bidder's Safety Record form provided by the Authority, the Bidder shall indicate, for all projects undertaken or completed by the Bidder within the past seven (7) years, whether it has received any notices, warnings or asserted violations issued by any government agency regarding safety standards. Such notices shall include any "final order" for willful or repeated OSHA violations or failure to abate safety deficiencies. If any such warnings, notices or violations were received, please explain the circumstances of each and indicate how the matter was resolved (i.e. no violation issued following warning; fines paid for violation, etc.).

This evaluation category shall be scored as follows:

0 Violations or Orders:	5 points
1 -5 Violations or Orders:	2.5 points
6 or more Violations or Orders:	0 points

3.6 Bidder's History of Subcontractor Claims Made on Payment Bond (5 Points)

Using the Bidder's History of Subcontractor Claims Made on Payment Bond form provided by the Authority, the Bidder shall indicate, for all projects undertaken or completed by the Bidder within the past seven (7) years, the Bidder shall provide a written statement identifying any and all amounts paid by a surety for a claim made by a subcontractor against the Bidder's payment bond for a project. If any such payments were made by a surety, please explain the circumstances of the claim and the payment.

This evaluation category shall be scored as follows:

0 claims paid:	5 points
1 claim paid:	2.5 points
2 or more claims paid:	0 points

3.7 Bidder's Overall Approach to the Project (25 Points)

Using the Bidder's Overall Approach to the Project form provided by the Authority, the Bidder shall submit a written statement indicating the Bidder's approach and methodology for executing the Project. The narrative shall address topics relevant to the performance and completion of the project that may include, without limitation, the following:

1. The Bidder's understanding of the scope and challenges of the project;
2. Purchasing Plan for project materials, including identification of long-lead items;
3. Workforce plan for the project by phases, identifying the trades, types or percentages of work to be performed by the Bidder's own forces as compared to the trades, types or percentages work to be subcontracted to others;
4. Identification of Site logistics concerns and discussion of plan for site organization and maintenance of site;
5. Identification of schedule concerns and constraints (e.g., permitting issues, labor and material availability, winter weather conditions) and plan for completion of the project in

accordance with the Authority's proposed date for contract completion. Include discussion of plan for maintaining schedule and providing regular schedule updates;

6. Approach to management of subcontractors;
7. Summary description of quality control and assurance program;
8. Identification of code compliance concerns, special inspection issues, and plan for interaction with code officials;
9. Summary description of start-up and testing program for systems and equipment;
10. Identification of safety concerns and summary description of plan for site safety and efforts to reduce workplace injuries;
11. Identification of security concerns and summary description of plan for site security; and
12. Plan for achieving project close out.

The Selection Committee will evaluate the strengths, weaknesses and any deficiencies in the proposed approach and methodology. The Authority will evaluate the Bidder's understanding and capability to execute the project, and the realism of the Bidder's approach to schedule and other criteria.

3.8 Bidder's Approach to the Constructability Review (15 Points)

Using the Bidder's Approach to the Constructability Review form provided by the Authority, the bidder shall provide a written statement indicating the Bidder's approach and methodology for performing the Constructability Review portion of the project. The narrative shall include discussion of the following:

1. The Bidder's proposed staffing plan for the Constructability Review, including the participation of any subcontractors or consultants;
2. The Bidder's plan for review of the Construction Documents to determine conflicts;
3. The Bidder's plan for review of the Construction Documents to determine omissions and missing items of work necessary to complete the project;
4. The Bidder's plan for review of the Construction Documents to determine coordination issues; and
5. The Bidder's plan for review of the Construction Documents to determine constructibility.

The Selection Committee will evaluate the strengths, weaknesses and any deficiencies in the proposed approach and methodology. The Authority will evaluate the Bidder's understanding and capability to execute the Constructability Review, and the realism of the Bidder's approach.

3.9 Interview

The Authority may choose to perform interviews with all Bidders, to be conducted after technical submissions have been received. The interviews will allow bidders to clarify information provided in their submissions, and will allow for selection committee members to ask questions about the technical submissions. The interviews will not be scored separately.

Information regarding the scheduling of interviews will follow in a subsequently-issued addendum.

3.10 Technical Proposal Certification

Using the Bidder's Technical Proposal Certification form provided by the Authority, the bidder hereby certifies to the best of its knowledge and belief and under penalty of perjury under the laws of the United States and the State of New Jersey, that all information provided herein is accurate and truthful.

SECTION 4 -- SUBMISSION OF TECHNICAL AND PRICE PROPOSALS

4.1 General

4.1.1 Submission of Technical Proposal

Bidders are required to submit completed Technical Proposals (along with completed Price Proposals) on or before the date and time listed in the Bid Advertisement or such other date as set by Addenda ("submission date"). All Technical Proposals must be delivered in accordance with Section 7 herein. **Faxed or emailed copies will be rejected**.

The Bidder must sign the Technical Proposal form(s) 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 Technical 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 identified in the Technical 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.

4.1.2 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 in Section 1.15.

The Contract Documents should be read in their entirety as they define the scope of Work and responsibilities of the General Contractor and the NJSDA. A firm wishing to submit a response to this RFP must review all such documents and be thoroughly familiar with all of the terms and conditions of such documents. Please note that the Contract Documents, including the Construction General Conditions, have been amended from prior versions.

Among such changes, please note that the revisions to the General Conditions include new provisions holding the Contractor responsible for a "per occurrence" deductible of $25,000 for any loss payable under the OCIP Builder's Risk Insurance coverage, with the exception of claims caused by Flood, Wind and Earthquake.

Interested parties should review the Contract Documents with care. Interested parties may also wish to consult their attorneys and insurance brokers regarding the terms and conditions of the Contract Documents.

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 paid for 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.

4.1.3 Pre-Bid Meeting and Addenda

All Bidders must attend the mandatory pre-bid meeting. No Technical Proposal or Price 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 shall provide copies of Addenda only to prequalified firms that 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.

4.1.4 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 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 submission date.

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

The submission of a Technical Proposal and 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.

4.1.5 Plans and Specifications

Plans and specifications will be made available to prequalified firms through a controlled-access website.

Unless otherwise specified in the Contract Documents, the Authority shall furnish to the successful bidder, free of charge, five (5) sets of the Project Manual, Plans, Specifications and Addenda. The successful bidder may obtain additional copies of the Plans and Specifications from the Authority, upon request, at the cost of reproduction.

4.1.6 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 its Price Proposal 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.

4.1.7 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 4.1.8 herein.

4.1.8 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 regarding the proposed equals to the CM/PMF no later than fifteen (15) business days prior to the Technical and Price Proposal submission 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 CM/PMF 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 Technical and Price Proposal submission 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 Technical and Price Proposal submission date.

4.2 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, 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.

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. Uncompleted Contracts forms submitted by the Contractor and any required Subcontractors must reflect accurate and timely information. The amount set forth in the Uncompleted Contracts Form must reflect the amount of uncompleted work as of the date of the bid submission, or the date of the response to the RFP. In no instances will Uncompleted Contracts forms be acceptable where the date of the Form is greater than 120 days prior to the due date for bid or proposal submissions.

By submitting the Price Proposal, bidders agree to hold the Price Proposal open and valid for a period of one hundred twenty (120) calendar days from the date of the Price Proposal submission, unless this time period is extended by mutual agreement of the Bidder and the NJSDA.

4.2.1 Price Proposal By a Joint Venture

Bidders submitting a bid as a Joint Venture shall comply with all the requirements in Section 2.1B. 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.

4.2.2 Required Classification, Identification of Required Subcontractors, and Submittals

Each Bidder and subcontractor(s) must be classified or registered by 1) the Department of the Treasury, Division of Property Management and Construction; 2) the Department of Labor; and 3) by the Department of Treasury, Division of Revenue. Each bidder and subcontractor must also 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.

In accordance with the requirements of N.J.S.A. 52:18A-243, each bidder will also be required to set forth in its bid the name or names of all subcontractors to whom the bidder will directly subcontract for the furnishing of any of the work and materials specified in the plans and specifications for the following branches: (1) the plumbing and gas fitting and all work and materials kindred thereto ("Plumbing Branch"); (2) the steam and hot water heating and ventilating apparatus, steam power plants and all work and materials kindred thereto ("HVAC Branch"); (3) the electrical work ("Electrical Branch"); and (4) structural steel and miscellaneous iron work and materials ("Structural Steel Branch"). All such named subcontractors must be NJSDA prequalified. Each bidder shall adhere to the following instructions in its identification of all subcontractors with whom the bidder will contract in the four branches:

Plumbing Branch: The bidder must identify a subcontractor that is DPMC classified in the trade of Plumbing (C030), unless the bidder intends to self-perform for this trade. If the bidder intends to self-perform, the bidder must identify itself as self-performing in the trade of Plumbing (C030). If the bidder will contract with any additional subcontractors with DPMC Trade Classifications in the Plumbing trade or other trades applicable to this branch, each such additional subcontractor must be identified.

HVAC Branch: The bidder must identify a subcontractor that is DPMC classified in the trade of HVAC (C039), unless the bidder intends to self-perform for this trade. If the bidder intends to self-perform, the bidder must identify itself as self-performing in the trade of HVAC (C039). If the bidder will contract with any additional subcontractors with DPMC Trade Classifications in the HVAC trade or other trades applicable to this branch, each such additional subcontractor must be identified.

Electrical Branch: The bidder must identify a subcontractor that is DPMC classified in the trade of Electrical (C047), unless the bidder intends to self-perform for this trade. If the bidder intends to self-perform, the bidder must identify itself as self-performing in the trade of Electrical

(C047). If the bidder will contract with any additional subcontractors with DPMC Trade Classifications in the Electrical trade or other trades applicable to this branch, each such additional subcontractor must be identified.

Structural Steel Branch: The bidder must identify a subcontractor that is DPMC classified in the trade of Structural Steel (C029), unless the bidder intends to self-perform for this trade. If the bidder intends to self-perform, the bidder must identify itself as self-performing in the trade of Structural Steel (C029). If the bidder will contract with any additional subcontractors with DPMC Trade Classifications in the Structural Steel trade or other trades applicable to this branch, each such additional subcontractor must be identified.

In addition, the Project will require prequalification of subcontractors of any tier whose subcontract is in an amount equal to or more than $500,000 in any of the following DPMC Trade Classifications:

C006 - CM as Constructor

C007 - Design Build

C008 - General Contractor

C009 - GC/Alterations & Additions

C019 - Concrete/Foundation/Footings/Masonry work

C021 - Demolition

C029 - Structural Steel

C030 - Plumbing

C039 - HVAC

C045 - Sprinkler Systems

C047 - Electrical

C066 - Roofing-Membrane EPDM

C067 - Roofing-Membrane PVC/CPE/CSPE

C068 - Roofing-Membrane Modified Bitumen

C069 - Roofing-Urethane

C070 - Roofing-Built Up

C071 - Roofing-Metal

C072 - Roofing-Tile/Slate/Shingles

C092 - Asbestos Removal/Treatment

C093 - Asbestos Removal/Mechanical

C096 - Lead Paint Abatement

The Authority requires that all subcontractors of any tier in the DPMC Trade Classifications listed in the Bid Advertisement, whose contract is in an amount 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.

- Uncompleted Contracts forms submitted by the Contractor and any required Subcontractors must reflect accurate and timely information. The amount set forth in the Uncompleted Contracts Form must reflect the amount of uncompleted work as of the date of the bid submission, or the date of the response to the RFP. In no instances will Uncompleted Contracts forms be acceptable where the date of the Form is greater than 120 days prior to the due date for bid or proposal submissions.

- Failure to submit the required 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.

- 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.

- Copies of their current, valid Prequalification Notice with the New Jersey Schools Development Authority, for the Bidder and subcontractors in the principal trades listed in the Bid Advertisement.

4.2.3 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 conjunction with its Technical Proposal in accordance with Section 7 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 Procurement 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;
- The award of the contract in addition to the Bidder's uncompleted work will not exceed the Aggregate Rating of the Bidder; and
- The award of the contract in addition to the uncompleted work of any Subcontractor named in the Price Proposal will not exceed the Aggregate Rating of such Subcontractor.

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 awarded the maximum number of points for the price component (100 points). All other bidders shall be awarded points based on the percentage that each proposal exceeds the lowest bid.

Once all Bidders' scores are weighted and compiled, the Authority shall determine the bidder with the highest combined score for price and the non-price "other factors" evaluative criteria, and will recommend that award be made to that Bidder.

SECTION 5 -- AWARD REQUIREMENTS

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.

After determination of the Bidder with the highest combined score, the SDA 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;
- Proof of Owner's Controlled Insurance Program (OCIP) Enrollment per Online Enrollment Procedures. The OCIP II Manual and Online Enrollment Procedures Supplement are located at http://www.njsda.gov/Business/CV/Documents.html ;
- Subcontractor Approval Form Instructions and Form (1105);
- 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);
- EFT (Electronic Funds Transfer) Authorization Form; and
- Any other documents that may be required, as per the contract.

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 process, which will only apply to the prime contractors and may impact a contractor's project rating limit on future NJSDA projects. The construction contractor evaluation process for this procurement is described in the Authority's regulations codified at N.J.A.C. 19:38B, which are available at www.njsda.gov.

The SDA may request additional information from the Bidder as required under the Agreement, SDA's policies, procedures or regulations, or other governing law.

SECTION 6 – RIGHTS OF THE AUTHORITY

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

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

The Authority reserves the right to reject any Project Rating Proposal, Technical 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 7 – 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: Daryl Johnson

Fed Ex, UPS, Courier, Hand Delivery
NJSDA
1 West State St. (Wells Fargo Bank Building)
Trenton, New Jersey 08625-0991
Attn: Daryl Johnson