

October 25, 2023

**To: ALL QUALIFIED FIRMS**

**Subject: REQUEST FOR EXPRESSIONS OF INTEREST  
ORDER FOR PROFESSIONAL SERVICES NO. P4114  
ENVIRONMENTAL COMPLIANCE SERVICES AT THE WHITNEY HOUSTON (FORMERLY VAUX HALL),  
LARRY DOBY (FORMERLY BROOKDALE NORTH), CONNIE CHUNG (FORMERLY BROOKDALE SOUTH)  
AND JAMES GANDOLFINI (FORMERLY MONTVALE) SERVICE AREAS**

Enclosed (See Attachment A) herewith is a Request for Expressions of Interest (“RFEOI”) by the New Jersey Turnpike Authority (“Authority”) for professional engineering services required for the performance of environmental compliance services at the Whitney Houston (formerly Vaux Hall), Larry Doby (formerly Brookdale North), Connie Chung (formerly Brookdale South), and James Gandolfini (formerly Montvale) Service Areas (see Attachment A). In accordance with N.J.A.C. 19:9-2.8(b), this Order for Professional Services (“OPS”) is considered a Simple procurement.

To be considered as eligible and qualified to submit an Expression of Interest (“EOI”) for the professional engineering services being solicited in this RFEOI, a Firm must be prequalified in the following Profile Codes:

Profile Codes	Descriptions
C195	Soil and Groundwater Remediation Investigations
C196	Soil and Groundwater Remediation Design
C197	Remediation Systems: Operation and Maintenance

A Qualified Firm, eligible to submit an EOI for this RFEOI solicitation, is one that has a **current** “Professional Service Prequalification Questionnaire” (“PSPQ”) package on file with the Authority prior to submission of the EOI. A current PSPQ is one that has been on file with the Authority for no more than 24 months, or in certain cases for no more than 12 months.

Prequalification is not required for subconsultants. Prequalification **is** required for Joint Ventures.

A list of Qualified Firms eligible to submit an EOI for the above referenced assignment is attached (see Attachment B4). \*Joint Ventures (\*Qualified Firms interested in submitting an EOI as a Joint Venture **must be prequalified as a Joint Venture** with the Authority) that meet all Profile Code requirements are also eligible to submit an EOI.

The Authority is seeking participation of Small Business Enterprises (“SBEs”) as subconsultants to the Qualified Firm that is awarded a contract under this RFEOI (the “Successful Qualified Firm”). The SBE project goal is 25%. The Authority has also adopted a Disabled Veteran Owned Business (“DVOB”) Enterprise Program (the “DVOB Program”) pursuant to which the Successful Qualified Firm must make a good faith effort to award at least three (3) percent of the assignment to DVOBs, all as more fully described in this RFEOI. See Attachment “C”, Subsection C12, “Small Business Enterprise/Disabled Veteran-Owned Business Programs”.

All submittals required pursuant to N.J.S.A. 19:44A-20.13 to 20.25 (P.L. 2005, c.51), N.J.S.A. 19:44-20.26 (P.L. 2005, c.271s.2), P.L. 2023, c.30 (The Elections Transparency Act) and Executive Order 333 (2023 Murphy) will be requested from the Successful Qualified Firm only. The relevant forms will be transmitted to the Successful Qualified Firm by the Authority and are to be returned to the Authority within five (5) business days from receipt.

The following attachments are incorporated into and made part of the RFEOI:

- ATTACHMENT A: Expression of Interest and Fee Proposal Submission Requirements (A1 and A2).
- ATTACHMENT B: Standard Information (B1 through B4).
- ATTACHMENT C: Standard Supplemental Information and Forms (C1 through C13(k)).
- ATTACHMENT D: N.J.A.C. 19:9-2.8 Procedures for Prequalification and Award of Contracts for Architectural, Engineering and Land Surveying Services.

#### Staff Qualifications

It will be the Successful Qualified Firm's responsibility to ensure that the project is fully and adequately staffed for the successful completion of the project.

A description of services being solicited by this RFEOI can be found in Attachment B, Subsection B2 "Scope of Services" of this RFEOI.

#### Project Description

The Authority is currently performing a variety of environmental compliance activities at each of the following Service Areas along the Garden State Parkway: Whitney Houston (formerly Vaux Hall) Service Area located at Milepost 142.2 in Union Township, Larry Doby (formerly Brookdale North) Service Area located at Milepost 153.0 in Bloomfield, Connie Chung (formerly Brookdale South) Service Area located at Milepost 152.9 also in Bloomfield and James Gandolfini (formerly Montvale) Service Area located at Milepost 171.0 in the Borough of Montvale, New Jersey.

The Authority requires the professional services of an environmental and/or engineering consultant, including a Licensed Site Remediation Professional ("LSRP") to perform required environmental compliance activities at the above-mentioned Garden State Parkway Service Areas. Anticipated tasks include but are not limited to the following: remedial system operation and maintenance ("O&M"), compliance monitoring of groundwater and other media as appropriate, remedial investigations/actions as necessary and reporting in accordance with current LSRP and New Jersey Department of Environmental Protection ("NJDEP") regulations.

#### Scope of Services – General

##### **Remedial Investigations**

The successful qualified firm must be capable of performing remedial investigation ("RI") activities, which may include, but not be limited to such tasks as, monitoring well installation and groundwater sampling, soil borings and sampling, receptor evaluation, ecological assessments and evaluations, surveys including topography, geology, land use, site hydrogeology, vapor intrusion investigations, and other related task work required to satisfy the Authority and NJDEP. These subsurface investigation activities must be completed as necessary to fully delineate the vertical and horizontal extent of soil and groundwater contamination and to satisfy the NJDEP Technical Requirements for Site Remediation (N.J.A.C. 7.26E).

##### **Remediation Design**

If the Authority determines it necessary to install a new remediation system or upgrade any existing system, the Consultant must be capable of providing a complete bid package (i.e., contract drawings and technical specifications) for soil and groundwater remediation systems and/or full-scale chemical treatment design. Contract documents produced shall be sufficient for public bidding and shall include a complete Engineer's Estimate, Engineer's Report, and all appropriate permit applications and approvals. All services provided by the Consultant shall be in strict conformance with Authority's standards of quality as may be found in the Authority's Design Manual, Procedures Manual, CADD Standards, Standard Drawings and Standard Specifications and Standard Supplementary Specifications.

### **Remedial Systems: Operation, Maintenance, and Compliance Monitoring**

For O&M, the Consultant must be familiar with the remediation technologies currently used at the James Gandolfini Service Area. A licensed N2 operator is required and must be experienced in operating compressors, blowers, air strippers (multi-stage diffusers), pneumatic and electrical pumps, oil water separators and other related equipment as may be required. The operator must complete and maintain an operation log, which will detail activities performed during each site visit. The operator shall perform routine maintenance, with associated costs for routine replacement parts considered part of the contract and reimbursed as a direct expense. Major or more extensive repairs/replacements must also be conducted as part of this contract; however, an extraordinary maintenance cost may require a request for additional funding. The operator must continuously evaluate the performance of the remedial systems, not only based on system operation, but also upon sample results. The focus of these evaluations should be to confirm that the systems are operating efficiently. System modifications that direct or enhance remedial efforts such as improved contaminant mass removal and/or containment should be considered. The operator must also react and respond immediately to any results that indicate a permit condition has been violated and respond to NJDEP requests to modify system operations.

The Consultant shall operate and maintain the remediation systems in accordance with the permit parameters and manufacturers' recommendations. The NJDEP has directed that systems must operate 24 hours a day, 7 days a week except for routine maintenance. The Consultant is expected to be on 24-hour call in the event of a system malfunction and /or shutdown. The consultant is responsible for submitting monthly Discharge Monitoring Reports ("DMRs") and attending an annual NJDEP compliance inspection meeting.

If agreed upon by the Authority, the Consultant, as the assigned LSRP, should make modifications to the compliance monitoring requirements and remedial strategy as conditions change. The Consultant shall prepare an annual report on a calendar year basis, summarizing of the status of each site.

### **Remedial Action**

The Consultant must also be capable of conducting Enhanced Fluid Recovery ("EFR") events to assist in the remediation at locations with historic "hot spots" and/or free phase product to enhance contaminant recovery. The consultant will be responsible for coordinating with the Authority's licensed waste removal contractor and the recording of recovery amounts. Recovered fluids will be containerized in a licensed waste-hauling vehicle for transport and disposal off-site. The Authority will be responsible for disposal of recovered fluids. The EFR frequency and location must be constantly evaluated by the assigned LSRP and is to be adjusted to achieve the maximum contaminant recovery rates.

The Consultant must also be capable of conducting Multi-Phase Extraction ("MPE") events, and if warranted, in conjunction with mobile Air Sparging ("AS"). The MPE/AS equipment must be capable of treating recovered vapors prior to discharge to the atmosphere. Organic vapor readings, air flow rates, temperature and other pertinent data must be monitored throughout MPE/AS activities to calculate the contaminant removal quantities. Again, the Consultant will be responsible for coordinating with the Authority's licensed waste removal contractor and recording recovery amounts. Recovered fluids will be containerized in a licensed waste-hauling vehicle for transport and disposal off-site, and the Authority will be responsible for disposal of recovered fluids. The MPE or MPE/AS frequency and location must be constantly evaluated by the assigned LSRP and is to be adjusted to achieve the maximum contaminant recovery rates.

If required to further reduce contaminant concentrations in the source areas, the Consultant must be capable of conducting injection and extraction of chemical surfactant and/or oxidizing agents, as a technique to mobilize and recover contaminants in the soil and groundwater. The Consultant will be responsible for evaluating the effectiveness of these treatment techniques and adjusting the schedule frequency and target locations, as needed.

The Consultant shall prepare brief, one to two-page progress reports along with monthly invoicing in order to summarize the remedial status of each site on a monthly basis.

### **Reporting Requirements**

The Consultant shall prepare technical reports at a frequency currently established for each project site. Reports shall be consistent in format and content to the Remedial Action Progress Reports ("RAPR") previously required by the NJDEP as part of the Technical Requirements for Site Remediation (N.J.A.C. 7:26E). Examples of past reports will be made available for review upon request. In addition to the RAPRs, responses must be provided to NJDEP directives in a timely manner to ensure that the Authority remains in compliance. These progress reports may be abbreviated at the discretion of the Authority and assigned LSRP.

The Consultant shall be capable of completing Remedial Action Reports ("RARs") with updated Receptor Evaluation ("RE") and Case Inventory Document ("CID") to satisfy the NJDEP Technical Requirements for Site Remediation (N.J.A.C. 7:26E). The Consultant shall compile information generated from the former Remedial Investigation Reports ("RIR") and review former documents (such as former CIDs, LNAPL forms, Free-Product Interim Remedial Measure reports, Public Notification forms, Receptor Evaluations, Permit by Rule Monitoring Reports, Classification Exception Area ("CEA") approvals, etc.) to include as pertinent in the submittal to the NJDEP. The Consultant shall be prepared to complete other pertinent documents and/or NJDEP forms (i.e., Deed Notices, CEAs), Remedial Action Permits ("RAPs"), Biennial Certification ("BC"), Remedial Action Outcome ("RAO"), etc.) as may be appropriate.

The Consultant shall submit all reports, permits, documents, and correspondence in hard copies and Computer Storage Media notably a RW-CD. Reports must be compatible with Authority software and operating systems. In addition, all plans, site maps, etc. prepared by CADD systems must be in a format compatible with the Authority's software. NJDEP electronic deliverables are also required.

### **LSRP Requirement**

The Consultant must be prepared to act on the Authority's behalf as a certified LSRP, in accordance with NJDEP regulations, which may include the review and evaluation of all historical documents for identification of potential data gaps, confirm remedial activities are compliant with the protection of health and the environment, completing LSRP retention forms, etc.

The Consultant must also be prepared to act on the Authority's behalf during the remedial action efforts of the Service Area improvement project. The Consultant must ensure all aspects of the remedial action portion of the improvement project, including regulatory submittals, are in accordance with NJDEP Technical Requirements for Site Remediation (N.J.A.C. 7:26E).

### **Other Related Duties**

The Consultant must be familiar with and knowledgeable of all NJDEP regulations concerning Site Remediation and Underground Storage Tanks ("UST") and have a thorough understanding of the regulatory and permitting requirements of the NJDEP including the Site Remediation Reform Act ("SRRRA"), LSRP program, United States Environmental Protection Agency and other environmental and regulatory agencies having jurisdiction in New Jersey. Should conditions require immediate action, the Consultant, with prior Authority approval, shall take the necessary measures to install a temporary remedial system for controlling contamination or provide support services with regards to the UST facilities.

The Consultant must be able to provide support services for legislative and regulatory hearings, testimony for legal processes, other support services and serve as an expert witness relating to site remediation if required.

The Authority has retained its own NJDEP certified testing laboratory. The Consultant shall be obligated to use the Authority's contract lab. All sample containers and Quality Control blanks must be obtained from the Authority's laboratory. The Consultant shall be responsible for validating the laboratory's analytical results and deliverables. Data validation shall be qualitative. Laboratory analytical costs, which include transportation, will be borne by the Authority.

The Consultant shall submit all reports, permits, documents, and correspondence in hard copies and Computer Storage Media notably a RW-CD. Reports must be compatible with Authority software and operating systems. In addition, all plans, site maps, etc. prepared by CADD systems must be in a format compatible with the Authority's software. NJDEP electronic deliverables are also required.

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The Consultant will be required to submit to the Authority a brief monthly status report and a yearly annual report summarizing the activities at each site.

The Consultant shall satisfy public notification requirements pursuant to NJAC 7:26E-1.4 (k) and establish institutional controls, as necessary, per NJDEP requirements.

It is the Authority's intent to engage the services of one environmental/engineering firm, through this solicitation for EOIs, to provide professional services as required, utilizing the technical staff necessary to ensure that the services outlined herein are performed in accordance with the requirements of the Authority, the assigned LSRP, and NJDEP. This solicitation is for professional services for a five (5) year term commencing on or about March 21, 2024. The Consultants shall submit a single EOI outlining their capabilities and experience to provide the required services at each service area. Based on the technical rankings, the Authority will subsequently select the top ranked Consultant.

The Authority will utilize a Secure File Sharing site ("Kiteworks") to share with and receive information from the Qualified Firms. Access to Kiteworks will be provided to the Qualified Firms via e-mail. Reference materials (*preliminary plans, studies, reports, etc.*) for this RFEOI will be made available for review in the "Reference Materials" folder.

If there are any questions or issues related to Kiteworks, please contact Jennifer Romero via e-mail at [jromero@njta.com](mailto:jromero@njta.com). The subject line should read "OPS No. P4114, Kiteworks Information".

**Submission Requirements for Expression of Interest**

Qualified Firms that are interested in being considered to perform these services as specified in the RFEOI, must submit a total of **five (5)** copies of their EOI, no later than **2:00 p.m. on Wednesday, November 22, 2023**. as follows: **One (1) PDF** copy uploaded to the "EOI" folder on **Kiteworks** in accordance with the following naming convention: "OPS No. P4114\_EOI\_[Qualified Firm Name]"; and **four (4)** hard copies of the EOI shall be delivered to the Authority's Headquarters, clearly marked with the Qualified Firm's name and the words, "EOI, OPS No. P4114", no later than the date and time referenced above. **Late submissions will not be considered** and will be returned unopened.

Expressions of Interest received by the date and time specified above, will be publicly opened by conference call only at submission closing date and time stated above. Conference call details are available on the Authority's website at <https://www.njta.com/doing-business/current-solicitations>.

For anyone who wishes to participate, conference call access shall be open five (5) minutes prior to the EOI opening and shall remain open until all submitted proposer firm names have been read.

**Expressions of Interest shall be delivered/addressed as follows:**

**Hand or Overnight Delivery**

New Jersey Turnpike Authority  
1 Turnpike Plaza  
Woodbridge, NJ 07095  
Attn: Engineering Department, Environmental  
Jeff Wilhelm, Environmental Manager

**U.S. Mail**

New Jersey Turnpike Authority  
P.O. Box 5042  
Woodbridge, NJ 07095-5042  
Attn: Engineering Department, Environmental  
Jeff Wilhelm, Environmental Manager

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**Inquiries**

Inquiries pertaining to this RFEOI are to be directed in writing to Jeff Wilhelm, via e-mail at [wilhelm@njta.com](mailto:wilhelm@njta.com) with a copy to Samantha Sims, via e-mail at [ssims@njta.com](mailto:ssims@njta.com). The subject line should read "OPS No. P4114, EOI Inquiry". **The deadline for inquiries is November 1, 2023.** The Authority will respond to all written inquiries received by the deadline. Each inquiry will be stated, and a written response provided. **Responses will be posted on the Authority's website under Doing Business, Current Solicitations on or before November 8, 2023.**

Qualified Firms will be responsible for submitting their EOIs in accordance with this RFEOI and any modifications, revisions and/or clarifications to this RFEOI as may be issued by the Authority.

**Consultant Selection**

Upon receipt of the EOIs, and in accordance with N.J.A.C. 19:9-2.8(e), the Authority will review each Qualified Firm's submission for completeness and shall reject those EOIs that are incomplete. The Authority shall notify all Firms whose EOIs are determined to be incomplete in writing.

The EOI Evaluation Committee shall rank each Qualified Firms Expression of Interest on the basis of numerical scores using the eight (8) rating factors and relative weights specified below, in accordance with N.J.A.C. 19:9-2.8(e), and final selection shall be made in accordance N.J.A.C. 19:9-2.8(g).

The EOIs will be evaluated and ranked on the basis of numerical scores resulting from pre-established weighted factors. For this project, the rating factors and their relative weights are:

	<b>RATING FACTORS</b>	<b>WEIGHT (%)</b>	<b>POINTS</b>
1.	Experience of the Qualified Firm and its Subconsultants	15	45
2.	Experience of the Project Manager on Similar Projects	15	45
3.	Key Personnel's Qualifications and Relevant Experience	15	45
4.	Understanding of the Project and the Authority's Needs, and Reasonableness of Staffing Estimate	15	45
5.	Approach and Methodology in Performing the Services Required	15	45
6.	Commitment and Ability to Perform the Project and Outstanding Work with the Authority	10	30
7.	Commitment to Quality Management	10	30
8.	Attainment of DVOB and SBE Participation Goals	5	15
		100%	300

**Rating Factors** (to be summarized in the **Letter of Interest**):

**1. Experience of the Qualified Firm and its Subconsultants**

The Qualified Firm shall provide information on past projects which it has performed that demonstrate similar service of those required for this assignment. Each project listed shall include a brief description of the project scope performed by the Qualified Firm and its relevance to the proposed assignment. It shall identify the Qualified Firm's office(s) the work was performed from, the date (time frame) the services were performed, magnitude and cost of the project, and contact/reference information for each project listed.

**2. Experience of the Project Manager on Similar Projects**

The Qualified Firm shall identify the Project Manager that will be assigned to the project and identify the individual's education, credentials, and work experience. The Qualified Firm should discuss the proposed Project Manager's experience and its application to the assignment. The Qualified Firm shall review the criteria set forth by the Authority in the RFEOI in consideration of the person proposed for the assignment. If the Qualified Firm is proposing an individual with credentials considerably different than those identified by the Authority, the Qualified Firm must explain its rationale and identify/demonstrate the benefit the individual brings to the assignment.

The resume of the Project Manager proposed, included in the EOI, shall be clear, dated and detailed to the related assignment experience. References shall be furnished for each project listed (include date when work performed and relevance to subject assignment and at least one contact name and phone number for each project). Unless otherwise noted, the Project Manager shall be a licensed Professional Engineer.

**3. Key Personnel's Qualifications and Relevant Experience**

The Qualified Firm shall identify the Project Engineer/LSRP and/or other key personnel that will be assigned to the project and their role and responsibilities specific to the assignment. Information concerning their education, credentials and work experience should be provided along with contact/reference information. The Qualified Firm shall discuss the individuals proposed for the assignment and identify how their education, credentials and work experience are applicable to their role on the assignment.

The resumes of key personnel proposed, included in the EOI shall be clear, dated and detailed to the related assignment experience. References shall be furnished for each project listed (include at least one contact name and phone number for each project).

**4. Understanding of the Project and the Authority's Needs, and Reasonableness of Staffing Estimate**

Provide an explanation of the Qualified Firm's understanding of the project and Authority's needs required for the successful completion of the assignment. Provide a summary of the Qualified Firm's qualifications, and state how they relate to the Qualified Firm's ability to provide the requested services. Through attached organizational chart and resumes identify the person(s), or subconsultant(s), responsible for each division of the assignment and their relevant experience.

Understanding of the Project

The Qualified Firm shall provide information to demonstrate that it fully understands the overall objective of the project and why the Authority is undertaking the assignment. This may include discussions providing background information on the need for the project, its effect on the Authority's facilities, and impact on the overall transportation network. Qualified Firms should demonstrate specific first-hand knowledge of the location affected by the project and the long-term effects the project has on the Authority, its patrons, or other relevant issues.

Understanding of the Authority's Needs

The Qualified Firm shall demonstrate that it fully understands the needs of the Authority as it relates to the specific scope-of-work identified in the RFEOI. The Qualified Firm must confirm the deliverables and the schedule for design and construction

associated with project specific deliverables. The Qualified Firm should also discuss project management items, including deliverables such as submittal of wage rate approvals and invoicing.

Reasonableness of Staffing Estimate

The Qualified Firm shall demonstrate through an attached Staffing Estimate the workhours required for this assignment, including any work anticipated to be performed by subconsultants. The staffing schedule shall follow the guidelines set forth herein and sample in Attachment B, Subsection B3.

**5. Approach and Methodology in Performing the Services Required**

The Qualified Firm shall identify the major tasks comprising the project and describe in detail how they will be accomplished. Provide an explanation of the process the Qualified Firm will use to schedule, manage, and perform the required tasks within the scope of services and identify the key milestones and the project's critical path. The Qualified Firm shall identify key issues and potential problems and discuss alternatives and options which would lead to resolution. The Qualified Firm should discuss innovative concepts with cost benefits and/or accelerated project delivery, where applicable. The subconsultant roles, value to the team/project, and reporting relationship shall be clearly identified.

**6. Commitment and Ability to Perform the Project and Outstanding Work with the Authority**

The Qualified Firm shall identify its commitment and ability to complete the proposed work as well as any outstanding work they currently have with the Authority. The Qualified Firm shall provide an explanation of the anticipated project schedule and demonstrate that the Qualified Firm can commit the required staff resources and management to perform the assignment. A listing of the Qualified Firm's facilities, including the address of the office where the project will be performed, and how they relate to the Qualified Firm's ability to provide the requested services shall be provided.

➤ Commitment and Ability to Perform the Project

The Qualified Firm shall discuss its commitment and availability of required staff for the assignment as shown on the completed "Commitments of Proposed Project Staff" and "Certification of Staff Availability" forms.

➤ Outstanding Work with the Authority

The Qualified Firm shall discuss its outstanding work with the Authority as shown on the completed Disclosure Forms for the prime and all subconsultants. Information should be provided to demonstrate how this project may be impacted or affected by the existing workload of the Qualified Firms or its subconsultants. Outstanding Work shall be considered the sum of the Outstanding Work of the prime and subconsultants. No factors/weighting will be applied based on the percent of work assigned to the prime or subconsultants.

**7. Commitment to Quality Management**

The Qualified Firm shall discuss its Commitment to Quality Management and Quality Assurance/Quality Control ("QA/QC"). The Qualified Firm shall provide a written narrative that describes the Qualified Firm's quality assurance policy and how it intends to implement a quality assurance program specifically for this assignment. The Qualified Firm shall identify credentialed QA/QC staff and the roles and working relationship with other staff members as part of the design process or construction phase.

**8. Attainment of DVOB and SBE Participation Goals**

The Qualified Firms agree to make a good faith effort to award at least three (3) percent of the assignment to those businesses that meet the requirements and have been registered by the Division of Revenue & Enterprise Services/Department of Treasury as a Disabled Veteran Owned Business Enterprise. Qualified Firms shall demonstrate how they will utilize DVOB Qualified Firms to achieve the 3% goal and add value to the project team.



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The Qualified Firms also agree to make a good faith effort to award at least twenty-five (25) percent of the assignment to those businesses that meet the requirements and have been registered by the Division of Revenue & Enterprise Services/Department of the Treasury as a Small Business Enterprise.

Qualified Firms shall demonstrate how they will utilize SBE Qualified Firms to achieve the 25% goal and add value to the project team.

**Order for Professional Services**

The final OPS Agreement to be awarded and issued to the Successful Qualified Firm shall be in a form consistent with the Authority's Standard OPS Agreement No. 4 for Simple projects (which is available on the Authority's website: [www.njta.com](http://www.njta.com) under Doing Business, Engineering Professional Services, PS Supplemental Forms).

Very truly yours,

**ORIGINAL SIGNED BY**

Michael Garofalo  
Chief Engineer

MG/JW/sjs

Attachments

c: D. Hesslein  
C. Rossi  
Review Committee  
File

**ATTACHMENT A**

**Expressions of Interest and Fee Proposal Submission Requirements**

**Subsection No. and Title**

- A1. Expressions of Interest Submission Requirements
- A2. Fee Proposal Submission Requirements

**Subsection A1**  
**EOI Submission Requirements**

A. To be considered for these services, each Qualified Firm, must submit the following:

1. **Letter of Interest**, which shall be limited to a total of five (5) single-sided, letter-sized pages with minimum 1-inch borders and minimum font size of 10 pt., stating the Qualified Firm's interest, ability, and its commitment to complete the requested professional services listed Attachment B, Subsection B2, "Scope of Services".

A brief transmittal letter **is excluded** from the above referenced page count.

The Letter of Interest shall demonstrate the Qualified Firm's ability to meet the rating factors listed under the heading "Consultant Selection" hereinabove. The Qualified Firm shall address the rating factors in the order in which they are listed, i.e., 1 through 8.

The EOI submission is limited to a total of eleven (11) pages. This page limitation does not include the documents listed in Items 2 and 4-9 below. Qualified Firms may include a maximum of three (3) 11x17 inch foldout sheets to convey certain information such as team experience and graphics that cannot otherwise be adequately presented on 8 1/2 x 11-inch pages. Use of a foldout sheet shall count as one (1) page within the 12-page limitation.

2. An **organizational chart** showing key project team members for all primary tasks, including subconsultants. Provide all team members' names, titles, and reporting relationships.
3. **Resumes for the Project Manager and each Key Personnel team members**, detailing relevant experience and professional/technical qualifications. Include resumes of proposed subconsultants. Each resume should be one page, single-sided with a maximum of six (6) with dates provided for each project.
4. A **detailed staffing estimate** per task and by ASCE Grade/ Classification, along with an estimate of total hours, to provide the work described herein.
5. A **Project Schedule** for this solicitation that addresses the various tasks defined by the scope of services for this assignment. (a maximum of 2 pages) – foldout sheets are permitted.
6. A completed **Commitment of Proposed Project Staff** form stating the percentage of time each member has available to commit to this assignment, including subconsultant staff.
7. A completed **Certification of Staff Availability** form the Qualified Firm shall certify that the staff proposed in the EOI shall be used in the performance of the project. When proposing the same staffing in multiple EOIs, disclose one of the following:
  - A. A statement that all projects utilizing same staff will be completed on time and how this will be done, or
  - B. A statement that the Qualified Firm voluntarily withdraws one of the EOIs from further consideration if the Authority is giving serious consideration to more than one EOI, or
  - C. \*Alternate staff resumes to be used by the Authority in evaluating EOIs if the Authority is giving serious consideration to more than one EOI.
8. A completed **Recent Authority Project Experience Form** identifying all Authority projects on which the Qualified Firm is currently working or have been completed (closed out) within the previous five (5) year period. A separate form shall be provided for the prime Qualified Firm and for each subconsultant.
9. Completed Standard Supplemental Forms as forth in Attachment C, Subsection C13 "Standard Supplemental Forms to be Submitted".

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\*The aforementioned page limitation shall be increased to a maximum of eighteen (18) pages if the Qualified Firms must exercise option \*7C above. The additional eight (8) single-sided letter-sized pages shall include information for alternate staffing as follows:

- 1) An alternate Organizational Chart as permitted above showing key personnel names, position, title, and reporting relationships (Note: Organizational Chart is not included in the page count).
- 2) One (1) page, single-sided resume for up to six (6) alternative key project personnel stating relevant experience including dates of assignments and professional qualifications.
- 3) Allowance for one (1) page, if necessary, to explain the Qualified Firms' modified approach to the project if it would be handled differently as a result of utilizing the alternate personnel.

The Qualified Firm shall not include alternate staffing in their EOI unless they are required to do so in accordance with Option \*7C. When appropriately included in the EOI, the proposed alternative staffing information shall be contained in a separate attachment of the EOI. It shall only be considered by the Authority in the scoring of the EOI if required.

Pages in excess of the stated page limitations for each of the EOI criteria above will not be read or considered. If the EOI submitted is not in accordance with the specific provisions defined above, it shall be considered, non-responsive, incomplete and may be rejected.

**Subsection A2**  
**Submission of Fee Proposal**

Following a review of the submitted Expressions of Interest, the Authority will request Fee Proposal(s) from the top three (3) (or more), technically ranked Qualified Firm(s).

The Fee Proposal shall be submitted as a cost-plus fee based on reimbursement of direct professional and technical salaries times a multiplier, not to exceed 2.8 based on a 10% allowance for profit and an overhead rate of 154.5%, or the individual Qualified Firm's overhead rate as determined by Federal Acquisition Regulations (48 CFR Part 31.105), whichever is less, plus direct expenses, subconsultant services and subcontractor services, at cost. The multiplier shall not be applied to the premium portion of overtime. The multiplier covers all overhead and profit.

Subconsultant and subcontractor services are those required services performed by other firms or contractors at the Successful Qualified Firm's direction.

For general services provided by the Successful Qualified Firm's corporate officers, partners, owners and/or principals in a non-technical capacity, no compensation will be provided. When corporate officers, partners, owners and/or principals are required to provide services in a technical capacity, the salaries for such individuals performing services in a technical capacity shall be reimbursable for direct salaries times a multiplier not to exceed 2.8.

No expenses or costs shall be billed unless specifically included in this EOI Solicitation and the Successful Qualified Firm's final negotiated Fee Proposal.

Average rate per classification/grade will not be permitted to determine total labor costs. The Fee Proposal shall detail time (hours) and direct salary data for classifications conforming to the ASCE Professional and Technical Grades, as shown on the Staffing Estimate and as modified by the Qualified Firm to account for all required services. Services shall be billed in accordance with the Successful Qualified Firm's Fee Proposal.

Salary rate increases will be permitted in accordance with the following parameters:

- Salary increases for merit or cost of living will not be permitted for the first 12 months of any OPS Agreement from the date of execution.
- Starting at month 13, all staff, regardless of pay grade / title, will be allowed up to a maximum annual increase of 3%.
- The proposal salary rate increase schedule will apply to the Successful Qualified Firm as well as all subconsultants.
- Salary rate increases as a result of a promotion are not subject to this policy.

**The Qualified Firm's total Fee Proposal for these services shall be rounded to the nearest \$5,000.**

Salaries shall be charged at the Successful Qualified Firms' hourly rates. The Successful Qualified Firm is responsible for managing the assignment, adhering to the number of hours, salary rates and personnel, as proposed in the Expression of Interest and Fee Proposal. Individual standard and overtime rates must be approved by the Authority's Chief Engineer or the Chief Engineer's designated representative prior to commencement of services or whenever the Successful Qualified Firms proposes that an individual's rate be changed during the term of this OPS awarded pursuant to this RFEOI, provided such change is reflected in the Qualified Firms' Fee Proposal. Except for overtime worked on construction supervision during permissible contract working hours, overtime must be approved by the Authority. The Fee Proposal shall follow and reflect the staffing estimate as shown in Attachment B3.

**Request for Expressions of Interest**

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To assist in the Authority's management of its annual spending, the Qualified Firm shall include within the Fee Proposal the projected billings associated with these services, including monthly projections for the first two (2) years and quarterly billing projections for the duration of this assignment.

Direct expenses shall include approved subconsultant/subcontractor services, mileage, rental equipment/vehicles, field supplies, regulatory fees, test pits, vendor invoiced printing of phase submission documents, final documents, mylar's, final plans in .PDF format, meeting displays/exhibits, and permit application fees. Mileage will be paid at the prevailing federal mileage rates ([www.irs.gov](http://www.irs.gov)). Mileage will be reimbursed for travel between the Qualified Firm's local office and the work site, Authority offices, and meetings required by the Authority or its representatives, including the return trip. Any change to this rate is subject to the approval of the Authority. The Successful Qualified Firm will be responsible for paying all tolls.

Compensation for lodging and meals will not be reimbursed, unless approved in writing in advance by the Authority. If approved, expenses for lodging and meals will be paid at in accordance with the federal per diem rates which can be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). This shall apply to the Successful Qualified Firm and its subconsultants and subcontractors.

Overnight delivery charges will be paid by the Authority only if such overnight delivery is specifically requested by the Authority and agreed to in advance. Otherwise, the Successful Qualified Firm will not be reimbursed for overnight delivery charges. This shall also apply to the Successful Qualified Firms' subconsultants and subcontractors.

**ATTACHMENT B**  
**Supplemental Information**

**Subsection No. and Title**

B1. Anticipated OPS Procurement and Project Schedule

B2. Scope of Services

B3. Staffing Estimate

B4. Qualified and Eligible Firms

**Request for Expressions of Interest**

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**Subsection B1**  
**OPS Procurement and Project Schedule**

Request for Expressions of Interest Posted .....	October 25, 2023
Deadline for Written Inquiries .....	November 1, 2023
Posted Responses to Inquiries .....	November 8, 2023
Deadline for Submittal of Expressions of Interest.....	November 22, 2023
Recommendation to Award OPS.....	January 2024

**Anticipated OPS Schedule**

Notice to Proceed .....	March 2024
Completion of Services .....	March 2029
Administration Project Closeout .....	April 2029



**Subsection B2**  
**Scope of Services**

**INTRODUCTION**

OPS No. P4114 is for Environmental Compliance Services at the Whitney Houston (formerly Vaux Hall), Larry Doby (formerly Brookdale North), Connie Chung (formerly Brookdale South), and James Gandolfini (formerly Montvale) Service Areas. The Authority performs a variety of environmental compliance activities at each of the above-mentioned Service Areas. The services provided by the successfully qualified firm shall also include additional tasks if determined to be necessary by the Authority. The Consultant shall also be prepared to perform remedial investigations of soil, groundwater and/or other affected media as requested or required by the Authority or NJDEP as well as provide remedial design services to address potential modifications or enhancements to the current remedial strategy on an on-call basis. The attached scope of work provides further site-specific detail regarding the NJDEP and LSRP remediation activities and compliance monitoring requirements that are currently in place.

**GENERAL**

1. All services provided by the Successful Qualified Firm shall be in strict conformance with Authority requirements and standards of quality as may be found in the Procedures Manual, Design Manual, Standard Drawings, Sample Design Plans, CADD Standards, and Standard and Supplemental Specifications, all of which are available on the Authority's website at [www.njta.com](http://www.njta.com).
2. The Successful Qualified Firm shall be responsible for the thorough understanding of the project requirements, including all applicable codes, environmental permits, and regulations for all aspects of this project. All design elements must be in full compliance with all applicable codes, regulations, and standards, and shall consider all technical guidelines available.
3. Any documents required to be submitted to the Authority for review and comment, in performance of the services, will not relieve the Successful Qualified Firm from its obligation to perform all services in accordance with proper engineering criteria and sound professional engineering in accordance with the relevant standard of care. The Authority's review and comment shall not be construed as a comprehensive or detailed review for purposes of verifying or validating such submissions or the Successful Qualified Firm's work product. The Successful Qualified Firm shall be solely responsible for all documents it prepares and shall remain responsible to ensure the integrity of its work, including that of its subconsultants.

**DETAILED SCOPE OF WORK**

**WHITNEY HOUSTON (FORMERLY VAUX HALL) SERVICE AREA**

Discharges from former UST systems have contaminated the soil and groundwater at the facility. The required scope of services for the Whitney Houston Service Area consists of the continuation of the NJDEP approved compliance monitoring and reporting. Currently a Natural Remediation Compliance Program is approved and in place to monitor contaminant degradation. Soils-Only Response Action Outcomes ("RAOs") were issued for several Areas of Concern ("AOCs") in May 2022. A Remedial Action Workplan ("RAW") for groundwater was prepared and submitted to the NJDEP in 2022, proposing in-situ chemical oxidation ("ISCO") injections to address downgradient, dissolved-phase groundwater contamination. Initial activities were completed in November 2022. Described below are the site-specific NJDEP compliance monitoring and reporting requirements that are currently in place or will be required as part of this OPS.

**Remedial Actions**

ISCO injections were completed in the vicinity of downgradient monitoring well MW-8I in November 2022, and significant contaminant degradation was observed in subsequent groundwater monitoring events. In accordance with the previously submitted RAW, a second phase of ISCO injections shall be performed in the vicinity of monitoring well MW-12I. The Consultant

shall coordinate all applicable details of the field mobilization, including traffic control services, reagent delivery, temporary injection point installation, and post-injection groundwater monitoring. An updated Highway Occupancy Permit (“HOP”) authorized by the New Jersey Department of Transportation (“NJDOT”) and Discharge to Groundwater Permit by Rule (“PBR”) authorized by the NJDEP will be required.

### **Compliance Monitoring**

Compliance monitoring is conducted quarterly in accordance with NJDEP regulations. All samples will be submitted to the Authority’s contract laboratory for the required analyses. The Consultant will validate all applicable data deliverables, interpret data results, and propose modifications of the monitoring program based on the analytical data.

### **Groundwater Quality Monitoring**

The groundwater monitoring program for the last several years has comprised of semi-annual groundwater monitoring in April and October of each year for Volatile Organic Compounds (“VOCs”) including MTBE and TBA. Subsequent to the completion of the proposed ISCO injections in the vicinity of monitoring well MW-12I, the compliance monitoring schedule shall increase to a quarterly frequency for a minimum of eight (8) rounds of sampling. Additional analyses to evaluate Monitored Natural Attenuation (“MNA”) conditions (i.e., nitrate, sulfate, alkalinity, total organic carbon (“TOC”), methane, and ferrous iron) shall be included in these sampling events. It is assumed that the compliance monitoring schedule shall return to a semi-annual frequency thereafter. The groundwater monitoring program includes the collection of groundwater elevations for development of a groundwater contour map, the collection of field parameters (i.e., dissolved oxygen, pH, and temperature) and the collection of groundwater samples for laboratory analysis. Groundwater monitoring and sampling shall be performed in accordance with the current NJDEP *Field Sampling Procedures Manual* and/or any other regulations or guidance applicable to the type of sampling being performed.

The monitoring schedule should consist of sample collection from the following nineteen wells (19): MW-6, MW-7, MW-8, MW-10, MW-14, MW-17, MW-6I, MW-8I, MW-11I, MW-12I, MW-14S, MW-14D, MW-17IR, MW-18I, MW-19R, MW-21, MW-22, MW-23, and MW-24. All monitoring wells shall be analyzed for VOCs including MTBE and TBA; however only monitoring wells MW-6I, MW-8I, MW-12I, and MW-17IR shall be analyzed for MNA analyses. Modifications to this schedule should be proposed as appropriate.

### **Reporting – Remedial Action Progress Reports**

The Consultant shall prepare progress reports consistent with former NJDEP RAPR requirements and in accordance with the assigned LSRP on a semi-annual basis in June and December of each year. These reports will include information on the remedial actions accomplished; results of compliance monitoring; and a discussion of future actions. The report will include all necessary figures, tables, and data.

The Consultant shall also continually evaluate the effectiveness of the remedial activities for the site. A summary of this evaluation shall be provided in each Progress Report and shall demonstrate that a reduction of the contaminant concentrations in the source area(s) and compliance points has occurred or justify why such decreases have not occurred.

### **Reporting – Remedial Action Report**

Review of the 2022 RAW, previous RAPRs, and analytical data shall be conducted in preparation of an RAR. The Consultant shall prepare the RAR in accordance with NJDEP rules and regulations to address the outstanding groundwater contamination.

To supplement the RAR, it is anticipated that a revised Classification Exception Area and Remedial Action Permit Application for Groundwater will be required. It shall be assumed that one Classification Exception Area Biennial Certification will be required during the term of this OPS. The Consultant shall prepare all required forms, notifications, and associated submittals in accordance with NJDEP rules and regulations. Following NJDEP approval, the Consultant shall issue a Limited Restricted Use RAO to achieve regulatory case closure.

### **LARRY DOBY (FORMERLY BROOKDALE NORTH) SERVICE AREA**

Discharges from former UST systems have contaminated the soil and groundwater at the facility. The required scope of services for the Larry Doby Service Area consists of the continuation of the NJDEP approved compliance monitoring and reporting for Historic Case No. 86-04-03-07M. Additionally, remedial actions are anticipated to be completed (excavation and injections) for Case No. 22-04-14-1540-10 (AOC-14) established in April 2022. It is anticipated that a Remedial Action Report for both soil and groundwater (AOC-14 (Contamination around MW-9R and MW-14R)) for Case No. 22-04-14-1540-10 will need to be prepared to meet the NJDEP remedial action regulatory deadline. Described below are the site-specific NJDEP compliance monitoring and reporting requirements that are currently in place or will be required as part of this OPS.

#### **Compliance Monitoring**

Compliance monitoring will be conducted in accordance with applicable permits and NJDEP regulations described below. All samples will be submitted to the Authority's contract laboratory for the required analyses. The Consultant will validate all data deliverables, interpret data results, and propose modifications to the monitoring program based on the analytical data.

The groundwater monitoring program is comprised of quarterly groundwater monitoring in January, April, July and October of each year for BTEX, 1-methylnaphthalene and lead. The groundwater monitoring program includes the collection of groundwater elevations for development of a groundwater contour map, the collection of field parameters (i.e., dissolved oxygen, pH, specific conductance and temperature) and the collection of groundwater samples for laboratory analysis. Groundwater monitoring and sampling shall be performed in accordance with the current NJDEP *Field Sampling Procedures Manual* and/or any other regulations or guidance applicable to the type of sampling being performed.

The monitoring schedule should consist of quarterly sample collection from the following fourteen (14) wells; COP-1R, MW-1R, MW-7R, MW-8R, MW-9R, MW-14R, MW-15, MW-16SR, MW-19, MW-22R, MW-23R, MW-24, MW-25R, MW-30 and five (5) seep sample locations; SPN-1, SPN-4, SPM-8, SPN-9, and SPN-15. Modifications to this schedule should be proposed as appropriate.

#### **Reporting – Remedial Action Progress Reports**

The Successful Qualified Firm shall prepare progress reports consistent with former NJDEP RAPR requirements and in accordance with the assigned LSRP on a semi-annual basis in June and December of each year. These reports will include information on the remedial actions accomplished, results of compliance monitoring, and a discussion of future actions. The report will include all necessary figures, tables, and data.

The Successful Qualified Firm shall also continually evaluate the effectiveness of the remedial activities for the site. A summary of this evaluation shall be provided in each Progress Report and shall demonstrate that a reduction of the contaminant concentrations in the source area(s) and compliance points has occurred or justify why such decreases have not occurred.

#### **Reporting – Remedial Action Report (Case No. 22-04-14-1540-10)**

The Successful Qualified Firm shall prepare a RAR for both soil and groundwater (AOC-14 (Contamination around MW-9R and MW-14R)) for Case No. 22-04-14-1540-10 established in April 2022 to meet the NJDEP remedial action regulatory deadline. It is anticipated that remedial actions (excavation/injections) will be performed by the current consultant under their existing OPS in 2023 which should include the RIR/RAWP and potential Discharge to Groundwater Permit by Rule ("DGWPBR"). The RAR deadline for both soil and groundwater is September 19, 2027. If remedial actions are not completed prior to the implementation of this OPS, any additional tasks that need to be completed in preparation of the Remedial Action Report will be completed under the on-call portion of this OPS.

A RAR will be submitted by the current consultant prior to the issuance of this OPS for existing/historic case number 86-04-03-07M which will include a Notice in Lieu of Deed Notice and a Soil RAP. Any portion of this work that may not get completed will be completed under the on-call portion of OPS P4114.

### **Classification Exception Area and RAP for Groundwater (Case No. 22-04-14-1540-10)**

A Remedial Action Permit ("RAP") application will be required for groundwater. The Consultant shall prepare or update and modify the current Classification Exception Area ("CEA") form based on information provided by the groundwater monitoring program and as decreasing site condition trends dictate. This CEA Revision will be submitted in conjunction with the RAP for Groundwater. It is assumed that these documents will be due in calendar year 2026, following two years of quarterly groundwater monitoring. Draft documents shall be submitted to the Authority well in advance of the NJDEP due date so that review and comments can be addressed.

### **CONNIE CHUNG (FORMERLY BROOKDALE SOUTH) SERVICE AREA**

Discharges from former UST systems have contaminated the soil and groundwater at the facility. The required scope of services for the Connie Chung Service Area consists of the continuation of the NJDEP approved compliance monitoring and reporting. Currently, sampling has been halted until the completion of the Service Area rebuild. Once the rebuild is complete, groundwater sampling will be performed quarterly in January, April, July, and October of each year with Progress Reports prepared semi-annually in June and December. Specific monitoring and reporting requirements are outlined below.

### **Monitoring Well Installation and Survey Including Forms A and B**

All monitoring wells except for MW-5 and MW-12R were abandoned prior to the start of the Connie Chung Service Area Improvement project. Upon completion of the Connie Chung Service Area improvement, up to four (4) new shallow monitoring wells will need to be installed to monitor the source area. For the purposes of this scope of work, it is assumed that four (4) monitoring wells will be installed to a maximum depth of twenty (20) feet below ground surface ("bgs") with each location soft dug to five (5) feet bgs prior to drilling. Surveying of the monitoring wells along with completion of applicable survey Forms A & B is also included in this task. Additional monitoring wells, if necessary, will be installed under the on-call portion of this OPS.

### **Compliance Monitoring**

Compliance monitoring will be conducted in accordance with applicable permits and NJDEP regulations described below. All samples will be submitted to the Authority's contract laboratory for the required analyses. The Consultant will validate all data deliverables, interpret data results, and propose modifications to the monitoring program based on the analytical data.

The groundwater monitoring program is comprised of quarterly groundwater monitoring in January, April, July and October of each year for Benzene. The groundwater monitoring program includes the collection of groundwater elevations for development of a groundwater contour map, the collection of field parameters (i.e., dissolved oxygen, pH, specific conductance, and temperature) and the collection of groundwater samples for laboratory analysis. Groundwater monitoring and sampling shall be performed in accordance with the current NJDEP *Field Sampling Procedures Manual* and/or any other regulations or guidance applicable to the type of sampling being performed.

The monitoring schedule should consist of quarterly sample collection from approximately eight (8) wells; MW-5, MW-12R and up to six (6) additional monitoring wells yet to be installed. Modifications to this schedule should be proposed as appropriate.

### **Reporting – Remedial Action Progress Reports**

The Consultant shall prepare progress reports consistent with former NJDEP RAPR requirements and in accordance with the assigned LSRP on a semi-annual basis in June and December of each year. These reports will include information on the remedial actions accomplished, results of compliance monitoring, and a discussion of future actions. The report will include all necessary figures, tables, and data.

The Consultant shall also continually evaluate the effectiveness of the remedial activities for the site. A summary of this evaluation shall be provided in each Progress Report and shall demonstrate that a reduction of the contaminant concentrations in the source area(s) and compliance points has occurred or justify why such decreases have not occurred.

### **Reporting - Remedial Action Report (Groundwater)**

The Consultant will be required to prepare a Remedial Action Report for Groundwater in accordance with NJAC 7:26E-5.7. This report will include: a summary of remedial investigations; a receptor evaluation update; describe the remedial actions completed, wastes generated, and effectiveness of the remedial actions; the applicable remediation standards; and a summary of the remedial action costs. The report will be uploaded to the NJDEP online website and will include the Remedial Phase Report Authorization form, the Receptor Evaluation form, and a revised Case Inventory Document. The NJDEP remedial action mandatory deadline is May 6, 2024.

### **Classification Exception Area and RAP for Groundwater**

A RAP application will be required for groundwater. The Consultant shall prepare or update and modify the current CEA form based on information provided by the groundwater monitoring program and as decreasing site condition trends dictate. This CEA Revision will be submitted in conjunction with the RAP for Groundwater. It is assumed that these documents will be due in calendar year 2026, following two years of quarterly groundwater monitoring. Draft documents shall be submitted to the Authority well in advance of the NJDEP due date so that review and comments can be addressed.

### **JAMES GANDOLFINI (FORMERLY MONTVALE) SERVICE AREA**

Discharges from former UST systems have contaminated the soil and groundwater at the facility. To address the contaminant concentrations that are above the applicable NJDEP cleanup criteria, groundwater recovery and treatment, multi-phase extraction ("MPE"), and chemical oxidation to address source area contaminants have been employed at the site. The required scope of services for the James Gandolfini Service Area consists of the continuation of the operation and maintenance of the groundwater recovery and treatment system, performance of MPE events, compliance monitoring and reporting. Historic investigations and recent soil sampling conducted in 2016 and 2023 have identified residual soil contamination on-site at the facility as well as off-site at a downgradient commercial facility. Described below are the site-specific NJDEP approved remedial actions, compliance monitoring and reporting processes that are currently in place.

### **Remedial Actions**

To provide hydraulic control of dissolved contaminants, a groundwater recovery and treatment system is operated, which consists of a carbon vessel operated under a general air permit (Program Interest No. 02466, Activity No. GEN220001) and a Bergen County Utilities Authority ("BCUA") sanitary sewer discharge permit (No. 01-0557). MPE is also used as a remedial strategy at monitoring wells MW-1, MW-3, MW-6 and MW-24 within the source area. For this EOI, it shall be assumed that one daily MPE event will be performed quarterly during the five-year OPS period. Contaminated groundwater generated through these MPE efforts shall be disposed of utilizing the Authority's waste hauling contractor.

A portion of impacted soils identified at the facility are proposed for excavation and disposal during upcoming facility improvements. This is anticipated to take place in late 2023 or early 2024 prior to the start of this OPS. The Consultant shall monitor how the removal of this contaminated source material will impact on-site and off-site groundwater contaminant concentrations. The Consultant shall make the recommendation for any further on-site remedial action as necessary.

Soil contamination identified at the off-site commercial property has been fully delineated. The Authority has proposed to remove impacted soils from this location. The Consultant shall conduct an additional remedial design investigation to refine the required volume of impacted soils for excavation and disposal. The estimated quantity of material for removal shall be discussed with the Authority prior to implementation of the remedial action. It shall be assumed that the remedial design related effort will be performed as a specific task, while excavation, disposal and observation related work will be performed under the on-call portion of the OPS.

### **Compliance Monitoring**

Compliance monitoring will be conducted in accordance with applicable NJDEP regulations and permit conditions as described below. All samples will be submitted to the Authority's contract laboratory for the required analyses. The Consultant will validate all applicable data deliverables, interpret data results, and propose modifications to the monitoring program based on the analytical data.

System Operation, Maintenance and Compliance Monitoring – A licensed N2 Wastewater System Operator shall perform weekly inspections consisting of but not limited to the following:

- Monitor carbon performance and flow;
  - Inspect and maintain recovery pumps, filters, and all other associated equipment (it shall be assumed that carbon changes will be required on a quarterly basis);
  - Record effluent flow meter reading.
- Analytical samples shall be collected from the system influent and effluent monthly in accordance with the BCUA permit for the system and prepare monthly discharge monitoring reports as required by the BCUA.

Groundwater Quality Monitoring – The groundwater monitoring program includes the collection of groundwater elevations for development of a groundwater contour map and the collection of groundwater samples for laboratory analysis. Analytical samples have been collected via passive diffusion bag ("PDB") samplers for the last several years. Groundwater monitoring and sampling shall be performed in accordance with the current NJDEP *Field Sampling Procedures Manual* and/or any other regulations or guidance applicable to the type of sampling being performed.

The groundwater monitoring program for the site is currently performed on a semi-annual basis in June and December for BTEX, MTBE, TBA and lead. Currently, the schedule shall consist of sample collection from the following fifteen (15) wells; MW-1, MW-3, MW-6, MW-7, MW-7A, MW-8, MW-9, MW-12, MW-24, MW-26, MW-26I, MW-27, PZ-7, PZ-9, and PZ-10. An additional six (6) wells (MW-2, MW-4, MW-5A, MW-11, MW-28, and MW-30) shall be sampled in December each year. Modifications to this schedule should be proposed as appropriate.

### **Reporting – Remedial Action Progress Reports**

The Consultant shall prepare progress reports consistent with former NJDEP RAPR requirements and in accordance with the assigned LSRP on a semi-annual basis in February and August of each year. These reports will include information on the remedial actions accomplished, remediation system performance, results of compliance monitoring, and a discussion of future actions. The report will include all necessary figures, tables, and data.

The Consultant shall also continually evaluate the effectiveness of the remedial activities for the site. A summary of this evaluation shall be provided in each Progress Report and shall demonstrate that a reduction of the contaminant concentrations in the source area(s) and compliance points has occurred or justify why such decreases have not occurred.

### **Reporting – Remedial Action Workplan**

Review of previous reports, analytical data, and new data collected by the Consultant shall be conducted in preparation of a RAW to address the identified off-site soil contamination. The Consultant shall prepare the RAW in accordance with NJDEP rules and regulations.

### **Reporting – Remedial Action Report**

Review of the previous RAPRs and analytical data shall be conducted in preparation of an RAR. The Consultant shall prepare the RAR in accordance with NJDEP rules and regulations to address the outstanding soil and groundwater contamination.

To supplement the RAR, it is anticipated that a revised Classification Exception Area and Remedial Action Permit Application for Groundwater will be required. Additionally, it is anticipated that a Notice in Lieu of Deed Notice and Remedial Action Permit Application for Soils will be required. The Consultant shall prepare all required forms, notifications, and associated submittals in accordance with NJDEP rules and regulations. Following NJDEP approval, the Consultant shall issue Limited Restricted Use RAOs to achieve regulatory case closure.

### **On-Call Remedial Investigation/Remedial Design/LSRP and Other Related Duties**

The Qualified Firm must be prepared to act on the Authority's behalf as a certified LSRP, in accordance with NJDEP regulations, which may include the review and evaluation of all historical documents for identification of potential data gaps, confirm remedial activities are compliant with the protection of health and the environment, completing LSRP retention form, etc. All effort related to an LSRP data/file review will be considered an "Other Task" as outlined on the Staffing Estimate.

The Qualified Firm may be asked to perform environmental engineering services as needed for, supplemental delineation, emergency environmental actions, including but not limited to, spills, discharges, waste disposal, and other unanticipated environmental concerns, as deemed necessary by the Authority. In addition, the Consultant may be asked to perform additional remedial investigation/action and/or design services as part of these related duties.

The Qualified Firm shall be prepared to complete other pertinent documents and/or NJDEP forms (i.e., Remedial Action Workplan Addendums, CEAs, Remedial Action Permits, Remedial Action Outcome, etc.) as may be appropriate.

The Qualified Firm must be prepared to act on the Authority's behalf as a certified LSRP, in accordance with NJDEP regulations, which may include the review and evaluation of all historical documents for identification of potential data gaps, confirm remedial activities are compliant with the protection of health and the environment, completing LSRP retention forms, etc. All effort related to an LSRP file review will be part of the On-Call portion of said OPS. These additional environmental services must be approved in advance by the Authority.

To facilitate these unanticipated assignments, a total amount of \$250,000 shall be budgeted for these services at all four projects sites for requested work over the five-year period.

### **ADMINISTRATIVE**

1. Project Coordination – The Successful Qualified Firm shall coordinate its activities with Authority personnel throughout the course of this project. Upon commencement of services under the OPS, the Successful Qualified Firm shall establish a means of coordinating and reporting its activities with the Authority's representative to ensure an expeditious exchange of information. The Authority shall be informed of all meetings with other agencies, government officials and/or groups so that Authority personnel can attend if necessary.

The Successful Qualified Firm shall work in harmony with any and all entities that have been and may be retained by the Authority for this project.

**The Successful Qualified Firm is responsible to the Authority for the work of its subconsultants. As such, it is expected that the Successful Qualified Firm shall perform Quality Reviews of its subconsultant's work prior to providing copies/submittals to the Authority. If extensive errors/omissions are found during reviews, the work shall be rejected, and shall be revised and resubmitted at no additional cost to the Authority.**

2. It is expected that the Project Manager will actively manage the project and will lead/participate in all project-related meetings. The Project Manager/Resident Engineer will serve as the primary point of contact for the team and be available for project-related matters.

**Request for Expressions of Interest**

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3. Progress Reports – The Successful Qualified Firm will be responsible to prepare and submit monthly progress reports indicating percent of work completed by task, work completed in the last month, work to be performed, actions/decisions required by the Authority, and the status of the project's schedule and budget. Reports shall be submitted on a monthly basis and coincide with the invoice submitted for the same time period.

Progress reports shall contain monthly updates of the approved schedule. Progress reports shall also include an estimate of the Authority's financial spending plan for the project. This spending plan will be detailed for the OPS, construction contract(s), Utility Order(s), and any other costs to be paid by the Authority.

4. Invoicing Requirements – All invoices shall be consecutively numbered and shall contain the words, "Order for Professional Services No. P4114. Invoices will not be processed before the progress report for that month's activities have been submitted.

Invoices are **required** to be submitted (electronically to *EngineeringOPSInvoices@njta.com*) on a **monthly** basis. They shall be submitted to the Authority within 15 business days of the cutoff date. The Successful Qualified Firm will also be responsible for preparing and submitting, as part of this invoice, projected billings associated with the OPS, monthly projections for two years and quarterly billing projections for the duration of the OPS.

The Successful Qualified Firm shall submit time sheet summaries. Individual employees' time sheets are not required, unless specifically requested by the Authority. Direct expenses shall be reimbursed in accordance with the expenses identified in Subsection A2.

The Successful Qualified Firm shall immediately notify the Authority's representative in writing if the percentage of fee earned exceeds the percentage of services completed. The Successful Qualified Firm shall immediately implement the necessary adjustments and/or make recommendations on how to alleviate this condition. Failure to do so may result in the Successful Qualified Firm being required to absorb any costs beyond the authorized fee.

The Successful Qualified Firm shall be responsible to submit to the Authority for approval the wage rates of personnel that will be working on the project.



**REFERENCE MATERIALS:**

The contract documents are available for review electronically in Kiteworks. Access to Kiteworks will be provided to all prequalified and eligible Qualified Firms via e-mail as part of the RFEIOI notification process. If there are any questions or issues related to Kiteworks, please contact Jeff Wilhelm via e-mail at [wilhelm@njta.com](mailto:wilhelm@njta.com). The subject line should read, "OPS No. P4114 Kiteworks Information". The Following reference material is available for review:

Whitney Houston (formerly Vaux Hall) Service Area

Whitney Houston (Vaux Hall) – Aug. 2023 – Public Participation Plan  
Whitney Houston (Vaux Hall) – Dec. 2020 – Remedial Investigation Report  
Whitney Houston (Vaux Hall) – Jun. 2023 – Remedial Action Progress Report  
Whitney Houston (Vaux Hall) – Sep. 2022 – Discharge to Groundwater Permit By Rule  
Whitney Houston (Vaux Hall) – Nov. 2022 – Remedial Action Work Plan

Larry Doby (formerly Brookdale North) Service Area

Larry Doby (Brookdale North) – June 2023 - RAPR  
Larry Doby (Brookdale North) – Brookdale North Soils RAR 2019

Connie Chung (formerly Brookdale South) Service Area

Connie Chung (Brookdale South) – December 2022 - RAPR  
Connie Chung (Brookdale South) – Brookdale South RAR January 2019

James Gandolfini (formerly Montvale) Service Area

James Gandolfini (Montvale) – 2023-2026 – BCUA Discharge Permit  
James Gandolfini (Montvale) – Feb. 2023 – Remedial Action Progress Report  
James Gandolfini (Montvale) – Jan. 2018 – Remedial Investigation Report  
James Gandolfini (Montvale) – May 2022 – Remedial Action Outcome-Soil

**Request for Expressions of Interest**

OPS No. P4114

Environmental Compliance Services at the Whitney Houston (formerly Vaux Hall),  
 Larry Doby (formerly Brookdale North), Connie Chung (formerly Brookdale South)  
 and James Gandolfini (formerly Montvale) Service Areas

**Subsection B3  
 Staffing Estimate**

Hours/Task																					
Classification (ASCE-Grade)	Whitey Houston (formerly Vaux Hall) Service Area					Larry Doby (formerly Brookdale North) Service Area				Connie Chung (formerly Brookdale South) Service Area					James Gandolfini (formerly Montvale) Service Area					Other Tasks	Total Hours
	Compliance Monitoring	Reporting (RAPRs)	Remedial Action (Inj.)	Reporting (RAR/CEA/RAP)	CEA Biennial Cert.	Compliance Monitoring	Reporting (RAPRs)	RAR (AOC-14)	CEA and GW RAP (AOC-14)	MW Installation	Compliance Monitoring	Reporting (RAPRs)	Reporting (RAR) and RAP for Groundwater	CEA Biennial Certification	Compliance Monitoring and OMM	Reporting (RAPRs)	Reporting RAW/RAR/NILDN/RAP	Remedial Action MPE	Remedial Actions Evaluation/Design Inv.		
Sr. Project Manager ( )																					
Project Manager ( )																					
Project Eng/Geol/Sci ( )																					
Licensed Operator (N2) ( )																					
Geologist/Scientist ( )																					
Field technician ( )																					
Other (Specify) ( )																					
<b>Total Hours</b>																					

**Subsection B4**  
**Qualified and Eligible Firms**

1.	AECOM Technical Services
2.	APTIM Environmental & Infrastructure, LLC
3.	ATANE Engineers, Architects and Land Surveyors, P.C.
4.	BEM Systems, Inc.
5.	CDM Smith Inc.
6.	CME Associates
7.	D&B Engineers and Architects, PC
8.	Dewberry Engineers Inc.
9.	Dresdner Robin Environmental Management, Inc.
10.	First Environment, Inc.
11.	Gannett Fleming, Inc.
12.	GZA GeoEnvironmental, Inc.
13.	H2M Associates, Inc.
14.	Haley and Aldrich, Inc.
15.	HCR, LLC
16.	Mott MacDonald LLC
17.	Parsons Transportation Group, Inc.
18.	Pennonni Associates, Inc.
19.	T&M Associates
20.	Taylor, Wiseman & Taylor
21.	WSP USA Inc.

**ATTACHMENT C**  
**Standard Supplemental Information and Forms**

**Subsection No. and Title**

- C1. Administrative Information
- C2. Mandatory Employment Opportunity Language, *N.J.S.A. 10:5-31 et seq. (P.L. 1975, c.127) and N.J.A.C. 17:27 et seq.*
- C3. State Consultant Political Contributions, *N.J.S.A. 19:44A-20.13 to 20.25 (P.L. 2005, c.51), N.J.S.A. 19:44-20.26 (P.L. 2005, c.271s.2), P.L. 2023, c.30 (The Elections Transparency Act) and Executive Order 333 (2023 Murphy)*
- C4. Right to Audit
- C5. Antidiscrimination Provisions
- C6. Standards Prohibiting Conflicts of Interest Executive Order 189 (1988 - Kean)
- C7. ADA Indemnification Act
- C8. Diane B. Allen Equal Pay Act
- C9. Warranty by Contractor of No Solicitation on Commission or Contingent Fee Basis, *N.J.S.A. 52:34-15 (P.L. 1954, c48, s.10)*
- C10. Prompt Payment Act, *N.J.S.A. 2A:30A*
- C11. Code of Ethical Standards
- C12. Small Business Enterprise and Disabled Veteran Owned Business Programs
- C13. Standard Supplement Forms to be Submitted
  - (a) Affidavit of Eligibility/Disclosure of Material Litigation
  - (b) Small Business Enterprise/Disabled Veteran Owned Business
  - (c) Disclosure of Investment Activities in Iran\* *N.J.S.A. 52:32-58*
  - (d) Prohibited Activities in Russia or Belarus
  - (e) Source Disclosure Form
  - (f) Ownership Disclosure
  - (g) Business Registration Act\*\*\*
  - (h) Set-Off for State Sales Tax
  - (i) Affidavit of Moral Integrity form
  - (j) Disclosure of Outstanding Work
  - (k) Recent Authority Project Experience

**Subsection C1**  
**Administrative and Agreement Information**

**Professional Corporation**

Incorporated Firms that have not filed a copy of a Certificate of Authorization, with the Authority must include a copy of the Certificate with the EOI. Professional service corporations established pursuant to the "Professional Service Corporation Act," N.J.S.A. 14A:17-1 et seq. (P.L. 1969, c. 232), are exempt from this requirement.

**Signatures**

Expressions of Interest must be signed by an officer of the Firm authorized to make a binding commitment.

**Incurring Costs**

The Authority shall not be liable for any costs incurred by any Firm in the preparation of their Expression of Interest or Fee Proposal.

**Addendum to EOI Solicitations**

If, at any time prior to the Authority receiving responses to this RFEOI, it becomes necessary to revise any part of this RFEOI, or if additional information is necessary to enable firms to adequately interpret the provisions of this RFEOI, an addendum to the RFEOI will be made available on the Authority's web-site, [www.njta.com](http://www.njta.com), as described herein.

**Acceptance and Rejection of EOIs and Fee Proposals**

Any award of this OPS will be made in accordance with N.J.A.C.19:9-2.8. The issuance of this RFEOI soliciting Expressions of Interest and Fee Proposals does not, in any manner or form, commit the Authority to award any OPS. The contents of the RFEOI, EOI, and a final negotiated Fee Proposal may become a contractual obligation, if an EOI submitted in response to the RFEOI is accepted, and an OPS is entered into with the Authority. Failure of a firm to adhere to and/or honor any or all of obligations of its response to the RFEOI, including its EOI, may result in rescission of any OPS awarded by the Authority. The Authority shall not be obligated at any time to award any OPS. The Authority reserves the right to accept or reject any or all proposals or to negotiate with any proposer, to waive minor noncompliance, amend or supplement the RFEOI, re-advertise the RFEOI, or abandon a procurement, and/or take such other steps deemed necessary and in the best interest of the Authority, in accordance with applicable law.

**Errors or Omissions in RFEOI**

It is the firm's responsibility to bring to the attention of the Authority during the RFEOI any errors, omissions, or non-compliance discovered in the RFEOI. By neglecting to do so, the firm will be responsible to make any resulting changes without additional compensation if awarded the OPS.

**Dissemination of Information**

Information included in this RFEOI or in any way associated with this project is intended for use only by the firms submitting an EOI and the Authority and is to remain the property of the Authority. Under no circumstances shall any of said information be published, copied, or used by any firm, except in replying to this RFEOI solicitation.

**News Releases**

No news releases pertaining to this RFEOI or the project to which it relates shall be made without Authority approval and then only in coordination with the issuing office and the Authority's Media Relations Coordinator.

**Public Records**

This RFEOI, and any response to the RFEOI, including an EOI and Fee Proposal submitted by a firm in response to the RFEOI, shall constitute a public document subject to disclosure in accordance with New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (OPRA). Any firm responding to the RFEOI may request that the Authority's Director of Law deem certain information contained in its response to be personal, financial, or proprietary information that is exempt from disclosure under OPRA.

The Authority reserves the right to make the determination regarding what is proprietary or confidential and will advise the winning bidder/proposer accordingly. The Authority will not honor any attempt by a winning bidder/proposer to designate its entire proposal as proprietary or confidential and will not honor a claim of copyright protection for an entire proposal. In the event of any challenge to the winning bidder's/proposer's assertion of confidentiality with which the Authority does not concur, the bidder /proposer shall be solely responsible for defending its designation.

**Subsection C2**

**Mandatory Equal Employment Opportunity Language**

**N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127)**

**N.J.A.C. 17:27 et seq.**

**Goods, General Services, and Professional Services Contracts**

The consultant or subconsultant, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality, or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the consultant will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affection-al or sexual orientation, gender identity or expression, disability, nationality, or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, up-grading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The consultant or subconsultant, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the consultant, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The consultant or subconsultant will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the consultant's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The consultant or subconsultant, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The consultant or subconsultant agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The consultant or subconsultant agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, col-or, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The consultant or subconsultant agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the consultant or subconsultant agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The consultant shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

- Letter of Federal Affirmative Action Plan Approval.
- Certificate of Employee Information Report; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at: [http://www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance)).

The consultant and its subconsultants shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be request-ed by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

### **Subsection C3**

#### **State Consultant Political Contributions Compliance**

**N.J.S.A. 19:44A-20.25 (P.L. 2005, c.51) superseding Executive Order 134 (2004),  
The Elections Transparency Act," P.L. 2023, c.30,  
and Executive Order 333 (2023 Murphy)**

#### **Election Transparency Act, P.L. 2023, c. 30; Fair and Open Exception**

In accordance with the Elections Transparency Act, P.L. 2023, c. 30 (the "Act"), effective January 1, 2023, all contracts awarded by the Authority pursuant to a fair and open process as defined in the Act are no longer subject to the political contributions proscription that prohibited a contract award if certain reportable contributions were solicited or made by a potential contract awardee. The Authority has determined that this procurement meets the requirements of a fair and open process and, accordingly, any such solicited or reportable contributions made by any proposer submitting a proposal will not prohibit any contract award thereto if such proposer is deemed the successful proposer.

#### **Annual Report of Contributions to the Election Law Enforcement Commission**

All Business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of \$50,000.00 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at [www.elec.state.nj.us](http://www.elec.state.nj.us)

#### **Breach of Terms of Government Contract**

It shall be a breach of the terms of the OPS for the Business Entity to (i) make or solicit a contribution in violation of the Act, (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions (through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate of holder of the public office of Governor or Lieutenant Governor; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the Business Entity itself, would subject that entity to the restrictions of the Act; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and

employees; (vii) engage in any exchange of contributions to circumvent the intent of the Act; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of the Act.

**Subsection C4**  
**Right to Audit**

Pursuant to N.J.A.C. 17:44-2.2, the New Jersey Office of the State Comptroller (OSC) has the authority to audit or review contract records, as follows:

- a) Relevant records of private vendors or other persons entering into contracts with covered entities, including the Authority, are subject to review by the OSC pursuant to N.J.S.A. 52:15C-14(d).
- b) Any Consultant awarded a contract shall maintain all documentation related to products, transactions or services under this contract for a period of five (5) years from the date of final payment. Such records shall be made available to the OSC upon request.

**Subsection C5**  
**Antidiscrimination Provisions**

In accordance with N.J.S.A. 10:2-1 every contract for or on behalf of the State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees that:

- a. In the hiring of persons for the performance of work under this contract or any subcontract hereunder, or for the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under this contract, no consultant, nor any person acting on behalf of such consultant or subconsultant, shall, by reason of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex, discriminate against any person who is qualified and available to perform the work to which the employment relates;
- b. No consultant, subconsultant, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee engaged in the performance of work under this contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under such contract, on account of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex;
- c. There may be deducted from the amount payable to the consultant by the contracting public agency, under this contract, a penalty of \$50.00 for each person for each calendar day during which such person is discriminated against or intimidated in violation of the provisions of the contract; and
- d. This contract may be canceled or terminated by the contracting public agency, and all money due or to become due hereunder may be forfeited, for any violation of this attachment of the contract occurring after notice to the consultant from the contracting public agency of any prior violation of this attachment of the contract.



**Subsection C6**  
**Standards Prohibiting Conflicts of Interest**  
**Executive Order 189 (1988 - Kean)**

Pursuant to N.J.S.A.52:34-19 and Executive Order 134 (1976 - Byrne), Executive Order 189 (1988 - Kean) includes the following prohibitions on any vendor which provides or offers or proposes to provide goods or services to or perform any contract for the State of new Jersey or any State agency.

- (a) No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b. and e., in the Department of the Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i., of any such officer or employee, or any partnership, Firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.
- (b) The solicitation of any fee, commission, compensation, gift, gratuity, or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.
- (c) No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, Qualified Firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality, or appearance of a conflict of interest.
- (d) No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- (e) No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the vendor or any other person.
- (f) The provisions cited above in paragraph 3a. through 3e. shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate under paragraph 3c.

**Subsection C7**  
**ADA Indemnification Act**

The provisions of Title II of the Americans with Disabilities Act of 1990 (the "Act") (42 U.S.C. §12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereunto, shall be a part of any OPS awarded under pursuant to this RFEOI. In providing any aid, benefit, or service on behalf of the Authority pursuant to any such OPS, the consultant agrees that the performance shall be in strict compliance with the Act. In the event that the consultant, its agents, servants, employees, or subconsultants violate or are alleged to have violated the Act during the performance of any OPS awarded pursuant to this RFEOI, the consultant shall defend the Authority in any action or administrative proceeding commenced pursuant to this Act. The

consultant shall indemnify, protect, and save harmless the Authority, its agents, servants, and employees from and against any and all suits, claims, losses demands, or damages, or whatever kind or nature arising out of or claimed to arise out of the alleged violation. The consultant shall at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the Authority grievance procedure, the consultant agrees to abide by any decision of the Authority that is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Authority or if the Authority incurs any expense to cure a violation of the Act which has been brought pursuant to its grievance procedure, the consultant shall satisfy and discharge the same at its own expense.

The Authority shall, as soon as practicable after a claim has been made against it, give written notice thereof to the consultant along with full and complete particulars of the claim. If any action or administrative proceedings is brought against the Authority or any of its agents, servants, and employees, the Authority shall expeditiously forward or have forwarded to the consultant every demand, complaint, notice, summons, pleading, or other process received by the Authority or its representatives. It is expressly agreed and understood that any approval by the Authority of the services provided by the consultant pursuant to any contact awarded pursuant to this RFEI will not relieve the consultant of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the Authority pursuant to this attachment. It is further agreed and understood that the Authority assumes no obligation to indemnify or save harmless the consultant, its agents, servants, employees and subconsultants for any claim that may arise out of their performance of any OPS awarded pursuant to this RFEI. Furthermore, the consultant expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the consultant's obligations assumed in any OPS awarded pursuant to this RFEI, nor shall it be construed to relieve the consultant from any liability, nor preclude the Authority from taking any other actions available to it under any other provisions of any OPS awarded pursuant to this RFEI or otherwise at law.

**Subsection C8**  
**Diane B. Allen Equal Pay Act**

Pursuant to N.J.S.A. 34:11-56.1 et seq. (P.L. 2018, c. 9), also known as the Diane B. Allen Equal Pay Act, which was signed in to law by Governor Phil Murphy on April 24, 2018, a consultant performing "qualifying services" or "public work" to the State or any agency or instrumentality of the State shall provide the Commissioner of Labor and Workforce Development a report regarding the compensation and hours worked by employees categorized by gender, race, ethnicity, and job category. For more information and report templates see <https://nj.gov/labor/equalpay/equalpay.html>.

**Subsection C9**  
**Warranty of Contractor of No Solicitation on**  
**Commission or Contingent Fee Basis**  
**N.J.S.A. 52:34-15 (P.L. 1954, c. 48, § 10)**

Every contract or agreement negotiated, awarded or made pursuant to N.J.S.A. 52:34-15 shall contain a suitable warranty by the contractor that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business, for the breach or violation of which warranty the State shall have the right to annul such contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage or contingent fee.

**Subsection C10**  
**Prompt Payment Act, N.J.S.A. 2A:30A**

Pursuant to the New Jersey Prompt Payment Act, N.J.S.A. 2A:30A-1 et seq., payment to the Successful Qualified Firm under any contract awarded pursuant to this RFEI shall be processed and paid as follows:

1. All consultant bills shall be deemed approved and certified for payment 20 days after the receipt unless before the end of the 20-day period a written statement of the amount withheld and the reason for withholding payment is provided.
2. If the billing is approved, the bill shall be paid in the Authority's subsequent payment cycle.

**Subsection C11**  
**Code of Ethical Standards**

The Authority has promulgated a Code of Ethical Standards pursuant to the laws of the State of New Jersey, a copy of which is available on the State of New Jersey website at <https://www.state.nj.us/ethics/docs/ethics/uniformcode.pdf>. By submitting an Expression of Interest and Fee Proposals, the Successful Firm will be subject to the intent and purpose of said the Code and to the requirements of the State Ethics Commission.

**Subsection C12**  
**Small Business Enterprise and Disabled Veteran Owned Business Programs**

**Small Business Enterprise Program**

It is the policy of the New Jersey Turnpike Authority (the "Authority") that Small Business Enterprises ("SBE"), as determined and defined by the Division of Revenue & Enterprise Services ("Division") and the Department of the Treasury ("Treasury") in N.J.A.C. 17:13-1.1, have the opportunity to compete for and participate in the performance of consultant services. The Authority seeks participation of these SBEs in the performance of certain Orders for Professional Services (OPS). At the time of submission of its Technical Proposal, the firm must include either (1) evidence of the use subconsultants who are registered with the Division as an SBE and whose collective participation in performance of subconsultant services meets or exceeds the goal of at least twenty-five percent (25%) of the total value of any OPS awarded pursuant to this RFP, or (2) demonstration of a good faith effort to meet the goal of awarding at least twenty-five percent (25%) of the total value of the OPS to subconsultants who are registered with the Division as an SBE.

During this procurement, as part of the fee negotiation process, firms must submit proof of their subconsultants' SBE registration(s). In the event that, prior to the time of award, a firm has not demonstrated to the Authority's satisfaction, that good faith effort was made to accomplish the above stated goal, the Authority is precluded from awarding the firm the OPS in accordance with N.J.A.C. 17:13-4.2.

After award of the OPS, in order for the Authority to monitor and report SBE participation during the course of the OPS pursuant to N.J.A.C. 17:13-1.1 et seq., the selected firm (the "Consultant") shall submit evidence of SBE participation in a form acceptable to the Authority, with each invoice for payment. Invoices for payment submitted without the completed SBE Form will not be processed.

If a Consultant, at any time during the course of an OPS, and for any reason, intends to make any additions, deletions, or substitutions of the SBE subconsultants listed on the SBE/DVOB Utilization form submitted to the Authority, the Consultant shall submit such proposed changes for approval. Any such proposed changes must comply with the requirements and procedures set forth herein.

A firm submitting a proposal shall take the following action, in accordance with N.J.A.C. 17:13-4.3, in establishing a “good faith effort” to solicit and award subconsultant contracts to eligible SBEs:

1. Firm shall attempt to locate qualified potential SBE subconsultants.
2. Firm shall request a listing of small businesses from the Division and the Authority, if none are known to the firm submitting a proposal.
3. Firm shall keep specific records of its efforts, including the names of businesses contacted and the means and results of such contacts, including receipts from certified mail and telephone records.
4. Firm shall provide all potential SBE subconsultants with detailed information regarding the solicitation, project description and specifications, including proof of advertisements in general circulation media, professional service publications and minority and women focus media.
5. Firm shall attempt, wherever possible, to negotiate lower prices with potential SBE subconsultants that submit higher than acceptable fee estimates.
6. Firm shall provide evidence of efforts made to identify work categories capable of being performed by SBEs; and
7. Firm shall provide evidence of efforts made to use the services of available community organizations, consultant groups, and local, State, and federal agencies that provide assistance in the recruitment and placement of SBEs.

**The Successful Qualified Firm shall maintain adequate records to document its efforts and shall provide same to the Authority upon request.**

#### Disabled Veteran Owned Business Enterprise Program

It is the policy of the New Jersey Turnpike Authority (“Authority”) that Disabled Veteran Owned Business Enterprises (DVOBs), as determined and defined by the Division of Revenue & Enterprise Services (“Division”) and the Department of Treasury (“Treasury”) in N.J.A.C. 17:14-1.1, have the opportunity to compete for and participate in the performance of consultant services. The Authority seeks participation of these DVOBs in the performance of certain Orders for Professional Services (OPS). The firm’s Expression of Interest must include either (1) evidence of the use of subconsultants who are registered with the Division as a DVOB, and whose collective participation in performance of subconsultant services meets or exceeds the goal of at least three per cent (3%) of the total value of any OPS awarded pursuant to this RFP or (2) demonstration of a good faith effort to meet the goal of awarding at least three per cent (3%) of the total value of the OPS to subconsultants who are registered with the Division as a DVOB.

During the Expression of Interest portion of this procurement, as part of the fee negotiation process, firms must submit proof of their subconsultants DVOB registrations. In the event that, prior to the time of award, a firm has not demonstrated, to the Authority’s satisfaction, that a good faith effort was made to accomplish the above stated goal, the Authority is precluded from awarding the firm the OPS in accordance with N.J.A.C. 17:14-4.2.

After award of the OPS, in order for the Authority to monitor and report DVOB participation during the course of the OPS pursuant to N.J.A.C. 17:14-1 et seq., the selected firm (the “Consultant”) shall submit evidence of DVOB participation in a form acceptable to the Authority, with each invoice for payment. Invoices for payment submitted without the completed DVOB Form will not be processed.

If a Consultant, at any time during the course of an OPS, and for any reason, intends to make any additions, deletions, or substitutions of the DVOB subconsultants listed on the SBE/DVOB Utilization form submitted to the Authority, the Consultant shall submit such proposed changes for approval. Any such proposed changes must comply with the requirements and procedures set forth herein.

A firm submitting a proposal shall take the following action, in accordance with N.J.A.C. 17:14-4.3, in establishing a “good faith effort” to solicit and award subconsultant contracts to eligible DVOBs:

1. Firm shall attempt to locate qualified potential DVOBs.
2. Firm shall consult the DVOB Database if no DVOBs are known to the firm.
3. Firm shall keep all documentation of its efforts, including the names of businesses contacted and the means and results of such contacts; and
4. Firm shall provide all potential subconsultants with detailed information regarding the specifications.

**The Successful Qualified Firm shall maintain adequate records to document its efforts and shall provide same to the Authority upon request.**

### **Subsection C13**

#### **Standard Supplemental Forms to be Submitted**

Qualified Firms shall submit the following completed, executed forms at the time of submission of their Expression of Interest. The following forms are available at [www.njta.com](http://www.njta.com) under *Doing Business, Engineering Professional Services, PS Supplemental Forms*.

### **Subsection C13(a)**

#### **Affidavit of Eligibility/Disclosure of Materials Litigation**

A completed **Affidavit of Eligibility/Disclosure of Material Litigation** form for review by the Authority’s legal counsel shall be submitted by firms at the time of submission of their Expression of Interest for each firm, each member of a joint venture and all subconsultants. Each firm, each member of a joint venture and all subconsultants shall certify that it is not suspended, disbarred, or disqualified from bidding on any state or federal contracts. Furthermore, no litigation shall be pending or brought against the firm that could materially affect its ability to perform the OPS described herein. Each firm shall submit a description of all litigation pending, threatened, or brought against it, including any litigation against its owners and/or principals; and shall also submit a description of any enforcement actions or penalties pending or assessed by any regulatory agency having jurisdiction over permit compliance, worker health and safety, or labor laws.

### **Subsection C13(b)**

#### **Small Business Enterprise/Disabled Veteran Owned Business**

Firms shall submit a Small Business Enterprise/Disabled Veteran Owned Business (SBE/DVOB) Utilization form at the time of submission of their Technical and Fee Proposals In accordance with the Authority’s SBE/DVOB Programs.

**Subsection C13(c)**  
**Disclosure of Investment Activities in Iran**  
**N.J.S.A. 52:32-58**

A State agency shall require a person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract to certify, *prior to the time a contract is awarded* and at the time the contract is renewed, that the person or entity is not identified on the Department of Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f).

The Department of Treasury's Chapter 25 list is found on the State of New Jersey, Department of Treasury, Division of Purchase and Property website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Proposers must review this list prior to completing the certification. If the Authority finds a person or entity to be in violation of the law, such person or entity shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

**\*Note:** While the Authority acknowledges that, pursuant to N.J.S.A. 52:32-58 et seq. this certification is required prior to award of any contract, the Authority requests that Qualified Firms complete and submit the form entitled "Disclosure of Investment Activities in Iran" at the time of submission of their Expression of Interest.

**Subsection C13(d)**  
**Prohibited Activities in Russia or Belarus**

N.J.S.A. 52:32-60.1 et seq. (P.L. 2022, c.3) states that prior to contract award, the awardee must certify that neither the awardee, nor any of its parents, subsidiaries, or affiliates, have engaged in prohibited activities in Russia or Belarus. However, the enforceability of N.J.S.A. 52:32-60.1 et seq. has recently been challenged in the United States District Court for the District of New Jersey. While the State of New Jersey continues to defend the law in court, the certification requirement has been voluntarily suspended pending the outcome of the legal challenge. If the legal challenge is resolved in the State's favor prior to the deadline for submission of EOIs under this procurement, the Authority may issue an addendum requiring submission of a form entitled "Certification of Non-Involvement in Prohibited Activities in Russia or Belarus."

**Subsection C13(e)**  
**Source Disclosure Certification**

Pursuant to N.J.S.A. 52:34-13.2 (Executive Order 129 (2004)), the Authority must consider the requirements of New Jersey's contracting laws, the best interests of the State of New Jersey and its citizens, as well as applicable federal and international requirements.

The Authority shall insure that all Firms seeking to enter into any contract in which services are procured on its behalf must disclose:

- a) The location by country where the services under contract will be performed.
- b) Any subcontracting of services under the contract and the location by country where the subcontracted services will be performed.

This information must be disclosed on the Vendor Source Disclosure Form – N.J.S.A. 52:34-13.2 (Executive Order 129 (2004)), which is available on the Authority's website and returned with your Firm's Expression of Interest (EOI).

**Subsection C13(f)**  
**Ownership Disclosure Form**

Pursuant to N.J.S.A. 52:25-24.2, prior to the receipt of the proposal or accompanying the proposal, every corporation or partnership or limited liability company submitting a proposal shall submit a statement setting forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. If one or more such stockholder or partner or member is itself a corporation or partnership or limited liability company, the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established in this act, has been listed.

To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest

Each Qualified Firm shall submit a completed Ownership Disclosure form with the Technical and Fee Proposals.

**Subsection C13(g)**  
**Business Registration Act\*\*\***

Proof of valid business registration with the State of New Jersey Department of the Treasury, Division of Revenue and Enterprise Services, shall be submitted by the Successful Qualified Firm prior to award of any OPS pursuant to this RFEI in the form of a valid Business Registration Certificate (BRC) in compliance with N.J.S.A. 52:32-44, as amended. No OPS shall be awarded without proof of business registration with the Division of Revenue and Enterprise Services. Proposers who are registered can go to [https://www1.state.nj.us/TYTR\\_BRC/jsp/BRCLoginJsp.jsp](https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp) to obtain a copy of their BRC. If a Proposer is not registered, it can obtain information for registering its business with the New Jersey Division of Revenue by visiting the following link: <https://www.state.nj.us/treasury/revenue/busregcert.shtml>. Questions regarding this requirement should be referred to the Division of Revenue hotline @ 609-292- 9292.

A business organization that fails to provide a copy of a business registration as required pursuant to N.J.S.A. 52:32-44 et seq. or that provides false information of business registration, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency.

**\*\*\*Note:** While the Authority acknowledges that, pursuant to N.J.S.A. 52:32-44 et seq., a BRC is required prior to award of any contract, the Authority requests that Qualified Firms submit their BRCs at the time of submission of their Expression of Interest.

**Subsection C13(h)**  
**Set-Off for State Tax**

Pursuant to P.L. 1995, c. 159, effective January 1, 1996 and codified at N.J.S.A. 59:49-19 and N.J.S.A. 59:49-20, and notwithstanding any provision of law to the contrary, whenever any taxpayer, partnership or S corporation under contract to provide goods or services or construction projects to the State of New Jersey or its agencies or instrumentalities, including the legislative and judicial branches of State government, is entitled to payment for those goods and services or construction projects, at the same time a taxpayer, partner or shareholder of that entity is indebted for any State tax, the Director of the Division of Taxation shall seek to set off that taxpayer's, partner's or shareholder's share of the payment of that indebtedness. The amount set off shall not allow for the deduction of any expenses or other deductions that might be attributable to the taxpayer, partner or shareholder subject to set-off.

The Division of Taxation may initiate procedures to set off the tax debt of a specific vendor upon the expiration of ninety (90) days after either the issuance by the Division of a notice and demand for payment of any state tax owed by the taxpayer or the issuance by the Division of a final determination on any protest filed by the taxpayer against an assessment or final audit determination. A set-off reduces the contract payment due to a vendor by the amount of that vendor's state tax indebtedness or, in the case of a vendor-partnership or vendor-S corporation, by the amount of state tax indebtedness of any member-partner or shareholder of the partnership or S corporation, respectively. N.J.A.C. 18:2-8.3.

The Director of the Division of Taxation shall give notice of the set-off to the taxpayer, partner or shareholder and shall provide an opportunity for a hearing within thirty (30) days of such notice under the procedures for protests established under N.J.S.A. 54:49-18. No requests for conference, protest, or subsequent appeal to the Tax Court from any protest permitted under N.J.S.A. 59:49-19 shall stay the collection of the indebtedness. Interest that may be payable by the State to the taxpayer, pursuant to L.1987, c. 184 (N.J.S.A. 52:32-35), shall be stayed.

Qualified firms are requested to complete and submit a State Tax Set-Off form.

**Subsection C13(i)**  
**Affidavit of Moral Integrity**

Firms shall complete, sign, and submit a notarized Affidavit of Moral Integrity form together with submission of their Expression of Interest.

**Subsection C13(j)**  
**Disclosure of Outstanding Work**

Firms shall complete and submit the Disclosure Forms for the prime and all subconsultants indicating outstanding work with the Authority with their Expression of Interest.

**Subsection C13(k)**  
**Recent Authority Project Experience**

Firms shall complete and submit with their Expression of Interest, the Recent Authority Experience form for the prime Firm and for each subconsultant.



**ATTACHMENT D**

**N.J.A.C. 19:9-2.8 Procedures for Prequalification and Award of Contracts for  
Architectural, Engineering and Land Surveying Services**

(a) This section shall apply to contracts for architectural, engineering, and land surveying services that are not subject to N.J.A.C. 19:9-2.2(d), 2.3, or 2.5. The Authority may choose to apply this section to contracts below the public bidding threshold as set forth in N.J.S.A. 27:23-6.1.b in its sole discretion. The Authority may use procurement processes other than those prescribed in this section if those processes have been approved by the Federal government or other State statute, rule, or executive order, or if an emergency has been declared by the Executive Director. Where a procurement involves the proposed use of Federal funds, and Federal law, regulations, or guidelines require a procurement procedure other than those prescribed in this section, the Authority shall follow the Federal procedures. All procedures provided for herein that are consistent with Federal requirements shall be followed.

(b) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

"Complex projects" means projects other than "simple projects," and includes most projects involving transportation, planning or complex design, or any project having an estimated fee over \$ 2,000,000.

"Director" means either the Chief Engineer, Director of Operations, or Director of Maintenance, depending on whether the contract emanates from the Engineering Department, Operations Department, or the Maintenance Department.

"EOI" means an expression of interest from firms interested in performing professional architectural, engineering and land surveying services for the Authority.

"Firm" means any individual, firm, partnership, corporation, association, joint venture or other legal entity permitted by law to provide professional architectural, engineering or land surveying services in this State.

"Professional architectural, engineering, and land surveying services" means those services, including, but not limited to, planning, design, environmental, and construction inspection services required for the development and construction of projects, within the scope of the practice of architecture, professional engineering, or professional land surveying as defined by the laws of this State or those services performed by an architect, professional engineer, or professional land surveyor in connection with his or her professional employment practice, and which are subject to N.J.S.A. 52:34-9.1 et seq.

"Review committee" means the committee assigned to review a contract for professional architectural, engineering and land surveying services, which shall include at least three persons designated by the Director and approved by the Executive Director.

"Simple projects" means projects or other engineering services where the scope can be clearly defined and is not likely to change during the course of the project where the estimated fee is \$ 2,000,000 or less. Simple projects include, but are not limited to, bridge inspection projects, supervision of construction projects and highway and bridge design projects with an estimated fee of \$ 2,000,000 or less.

"Technical Review Committee" means the committee assigned to review a contract for professional architectural, engineering, and land surveying services, which shall include at least three persons designated by the Director and approved by the Executive Director.

**(c) Professional services prequalification requirements shall be as follows:**

1. A firm interested in a contract for professional architectural, engineering, or land surveying services shall complete and file a "Professional Service Prequalification Questionnaire" ("PSPQ") with the Authority. Firms qualified for a particular type of project based on the Authority's evaluation of the PSPQs will be eligible for consideration when such projects are being contracted for by the Authority without having to present their qualifications on a project-specific basis.
2. For the procurement of general consultants, rather than a project-specific procurement, the procedures relating to prequalification of firms may be modified to address the needs and requirements of the Authority.
3. Each firm shall identify on the PSPQ each type of work for which the firm desires prequalification. All PSPQs shall contain the following information:
  - i. Current and past projects undertaken by the firm;
  - ii. The nature of services provided on each project;
  - iii. The qualifications of the professionals employed by the firm; and
  - iv. Other information which the Authority may determine necessary to assess the firm's qualifications.
4. A firm shall notify the Authority in writing of any substantial change in the information on its PSPQ when such change occurs. A firm shall have a current PSPQ on file with the Authority on the date of the EOI submittal in order to be considered for a project. For purposes of this section, a current PSPQ is one which has been on file with the Authority for no more than 24 months.

**(d) Expression of interest (EOI) solicitation and/or advertisement shall be as follows:**

1. A Request for EOIs (RFEOI) shall be advertised in an appropriate newspaper or journal, having a large circulation in the State and/or advertised on the Authority's website, [www.nj.gov/turnpike](http://www.nj.gov/turnpike), or through other electronic means. Such advertisements shall be published not less than seven calendar days preceding the date upon which the EOIs are to be received. The RFEOI shall identify the scope of services required from the prequalified firms and the evaluation process to be used for the project. When the Authority seeks to engage more than one firm through a single RFEOI, the number of firms that the Authority intends to engage shall be identified in the RFEOI.
2. When general consultant services are needed, the Authority shall establish a list of criteria that firms must meet in order to be sent an RFEOI for the general consultant contract. Firms that meet such criteria shall be sent an RFEOI.

**(e) Evaluation of EOIs shall be as follows:**

1. Upon receipt of the EOIs, the Authority shall review the EOIs for completeness and shall reject those EOIs which are incomplete. The Authority shall notify all firms whose EOIs are determined to be incomplete in writing. For all projects, if fewer than three EOIs are deemed complete, the EOI solicitation may be rewritten and/or re-solicited, or the procurement may continue with fewer than three firms, as determined by the Executive Director, in consultation with the Director.
2. For simple projects, the technical evaluation process shall consist of the evaluation of EOIs in accordance with the procedures set forth in this section.
3. For complex projects, the evaluation of EOIs shall serve as a method by which to create a list of firms that shall receive the requests for proposals (RFP) for the project. If only three or four EOIs have been deemed complete by the Authority, these firms shall receive the RFP and the Technical Review Committee will not conduct an evaluation of the EOIs as set forth below. If more than four EOIs have been deemed complete, the EOIs shall be submitted to the Technical Review Committee for review as set forth in (e)4 below.

The EOIs shall be ranked by the Technical Review Committee on the basis of numerical scores resulting from weighted rating factors. These factors will be weighted in proportion to their relative importance on a project-by-project basis. The relative weight attributed to each rating factor for a particular project and the ranking methodology shall be set forth in the RFEOI. In ranking the EOIs, the Technical Review Committee may consider criteria contained in the RFEOI, including, but not limited to:

- i. Experience of the firm on similar projects;
- ii. Experience of the Project Manager or Resident Engineer on similar projects;
- iii. Key personnel's qualifications and relevant experience;
- iv. Understanding of the project and the Authority's needs;
- v. Approach to the project;
- vi. Commitment and ability to perform the proposed work and outstanding work with the Authority;
- vii. Commitment to quality management;
- viii. Attainment of Small Business Enterprise goals; and
- ix. Any other factors specified in the Authority's EOI solicitation.

4. For simple projects, once the Technical Review Committee has ranked the EOIs, it shall require the top three or more technically ranked firms, which number of firms shall be at the discretion of the Director, to provide their proposed fees in a separate envelope. The firms shall not be told of their ranking position at this time. The selection process shall continue in the manner described in (g) below. If a particular simple project warrants, the Director may elect to issue an RFP and the selection process shall proceed in accordance with the process for complex projects.

5. For complex projects, after the evaluation and ranking of the EOIs, no fewer than the top three ranked firms shall receive an RFP. All firms that are not to receive the RFP shall be notified.

6. When the Authority is seeking to engage more than one firm through a single solicitation of EOIs, following the Technical Review Committee's evaluation of the EOIs, it shall prepare a list of a sufficient number of technically qualified firms to enable the Authority to engage the number of firms identified in the RFEOI. If the Technical Review Committee is unable to prepare a list of technically qualified firms in a sufficient number to negotiate with and engage the number of firms identified in the RFEOI, the Authority shall reduce the number of firms it is seeking to engage through the EOI, and/or reissue the RFEOI in whole or in part. The Technical Review Committee shall negotiate with firms in the same manner as described in (g) below.

(f) Requests for Proposals (RFPs) shall be evaluated as follows:

1. Responses to the RFP shall be comprised of the technical proposal and fee proposal. The firms receiving the RFP shall be directed to submit a detailed fee proposal in a separate sealed envelope at the time of submission of the technical proposal.

2. The Technical Review Committee shall evaluate the technical proposals submitted to the Authority. The Technical Review Committee shall rank the technical proposals on the basis of numerical scores using the rating criteria specified in the RFP. The relative weight attributed to each rating factor and the methodology for ranking firms shall be set forth in the RFP.

3. The Technical Review Committee may require an interview and/or presentation by the firms with the highest ranked proposals. The Director, in his or her discretion, may waive this requirement for a particular project. Subsequent to the interview and/or presentation, the Technical Review Committee shall revisit its technical ranking of the firms, re-score as appropriate and shall thereupon recommend the highest ranked firms to the Director, or the Executive Director if the Director was a member of the Technical Review Committee.

**(g)** Cost negotiation and final selection shall be as follows:

1. For all projects, upon reviewing the Technical Review Committee's recommendation, the Director or the Executive Director shall either concur with the selections or direct the Technical Review Committee to pursue additional evaluation measures, consistent with the EOI solicitation or RFP, which shall be specified in writing by the Director or the Executive Director.
2. Once the selections are approved, the selected firms' fee proposals will be reviewed by the Technical Review Committee. The Executive Director may add one or more persons to the Technical Review Committee to assist in the negotiation process. Using all fee proposals and the engineer's estimate as a guideline, the Technical Review Committee shall negotiate a fair and reasonable fee with the highest technically ranked firm, taking into consideration all relevant factors, including, but not limited to, the estimated value of the services to be rendered and the scope, complexity, and professional nature thereof. If the Technical Review Committee is unable to negotiate a fair and reasonable fee with the highest technically ranked firm, it shall formally terminate negotiations and undertake negotiations with the second highest technically ranked firm. Failing accord with the second highest technically ranked firm, the Technical Review Committee shall formally terminate negotiations and undertake negotiations with the third highest technically ranked firm. If the Technical Review Committee is unable to negotiate successfully with any of the three highest technically ranked firms, it shall select additional professional firms in order of their competence and qualifications and it shall continue negotiations in accordance with the procedure set forth herein until an agreement is reached. The Executive Director, upon consultation with the Director, may direct the Technical Review Committee to re-solicit the contract. Once a final fee is agreed upon, the Technical Review Committee shall make its recommendation to the Director.
3. The Technical Review Committee in consultation with the Director shall prepare a written report outlining its recommendations and activities in reviewing, negotiating, and selecting the recommended firm. The Director shall submit the Technical Review Committee's report to the Executive Director.
4. If the Executive Director concurs with the recommendation, the Executive Director shall recommend to the Board, in writing, that the firm be issued an Order for Professional Service.
5. If the Executive Director is not satisfied with the recommendation, he or she may:
  - i. Instruct the Technical Review Committee to submit further support for its recommendation;
  - ii. Direct the Technical Review Committee to re-negotiate the fee; or
  - iii. Instruct the Director to re-solicit the contract.

*N.J. Admin. Code § 19:9-2.8*

Amended by 49 N.J.R. 3236(b), effective 9/18/2017