

June 27, 2017

**To: ALL CONSULTANTS**

**Subject: REQUEST FOR EXPRESSIONS OF INTEREST  
ORDER FOR PROFESSIONAL SERVICES NO. T3637  
INVESTIGATION, PREPARATION OF CONTRACT DOCUMENTS, AND REMEDIATION  
OVERSIGHT AT CHROMATE SITE 192**

The New Jersey Turnpike Authority (Authority) invites Expressions of Interest (EOIs) for a Simple project from engineering/environmental firms prequalified and eligible in the following Profile Codes.

Profile Codes	Descriptions
C-195	Soil and Groundwater Remedial Investigation
C-196	Soil and Groundwater Remediation Design

Attached (see Section I) is a list of all consultants currently prequalified and eligible to submit an EOI for the above referenced assignment. Consultant teams and/or \*Joint Ventures (\*Firms interested in submitting an EOI as a Joint Venture must be prequalified as a Joint Venture with the Authority) that meet all of the Profile Code requirements are also eligible to submit an EOI.

To qualify as a prequalified consultant, a firm **must** have on file with the Authority a current "Professional Service Prequalification Questionnaire" (PSPQ) package 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. Only those firms who have been prequalified for the specified profile codes this project entails will be considered. Prequalification is not required for subconsultants. Prequalification is required however for Joint Ventures.

The Authority shall be seeking participation of Small Business Enterprises (SBE) as subconsultants. The project goal is 25% SBE participation to New Jersey Businesses (see Section VII of the Attachment to the Expression of Interest for the program provisions)

It is the Authority's intent to engage the services of one consulting firm, through this solicitation for EOI's, to provide professional services as required, utilizing the technical staff necessary to ensure that the services outlined herein are performed in accordance with the Authority, the assigned LSRP and NJDEP. This solicitation is for professional services for a four (4) year term commencing on or about November 2017. The Consultant shall submit a single EOI outlining their capabilities and experience to provide the required services at Chromate Site 192. Based on the technical rankings, the Authority will subsequently select the top ranked Consultant.

### **Project Description**

#### **Scope of Services – General**

Chromate Site 192 (Site 192) is located beneath an elevated section of the New Jersey Turnpike, where it crosses over an active railroad line (Conrail Main Stem) in Essex County, New Jersey. The railroad tracks are on an

embankment and the Turnpike is built on piers. Site 192 includes Tax Block 5000, Lots 50, 52, 60.01, and Lot 999, and Tax Block 5001, Lots 29, 35, 35.02, 80.01 and 70 on the City of Newark tax map west of the Conrail Main Stem in the vicinity of NJTA Piers 10C, 10D, 11A, 11B and 11C.

The Authority has performed varying levels of remedial investigation activities at Site 192 including soil and groundwater investigations, Receptor Evaluations, LSRP opt-in, a Remedial Investigation Report (RIR) and a Remedial Action Workplan (RAW).

The Authority requires the professional services of an engineering Consultant, including a Licensed Site Remediation Professional (LSRP) to perform additional remedial environmental investigations and remedial actions in accordance with the previously submitted RAW and in accordance with current LSRP and NJDEP regulations. This includes but not limited to; conducting additional remedial investigation activities, remedial design services (specifications and bid documents) to address the affected Areas of Concern (AOC), permitting, remediation oversight, and all associated reporting.

### **Remedial Investigations**

The Consultant must be capable of performing remedial investigation (RI) activities, which may include such tasks as 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 contamination and to satisfy the NJDEP Technical Requirements for Site Remediation (N.J.A.C. 7.26E).

The Consultant must be capable of performing Remedial Investigations, which may include the following:

Site Description – including topography, geology, land use, site hydrogeology and other information necessary to satisfy reporting needs.

Remedial Investigation Objectives – including tasks associated with groundwater, soil, ecological evaluation and other task related items.

Remedial Investigation Activities – including but not limited to such tasks as groundwater monitoring, well installation and sampling, well abandonment, soil borings and sampling, receptor evaluation, ecological assessments and evaluations, surveys, vapor intrusion investigations, and other related task work required by NJDEP.

### **Reporting Requirements**

The Consultant must be capable of providing all related services necessary for completion of a a RAW Addendum, Remedial Action Report (RAR), Deed Notice (DN), Remedial Action Permit (RAP), Response Action Outcome (RAO) and any additional information or investigations required by the NJDEP, the Authority and/or the assigned LSRP.

### **Remediation Design**

Upon completion of the Pre-Design Investigation, the Consultant must be able to provide a Soil Remedial Design Plan relative to the delineated AOC hot spots to complete the remedial action for the chrome contamination in the vicinity of Piers 10C, 10D, 11A, 11B, and 11C. This remedial design will be prepared in accordance with the Authority's Standard and Supplemental Specification requirements and will include all calculations, design drawings and detail specifications necessary to prepare a comprehensive bid document package which will be utilized by the Authority to solicit bids by pre-approved contractors.

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 Action**

The Consultant is responsible for securing all permits (i.e. Soil Erosion & Sediment Control Plan) relating to the remediation of the chrome contaminated soils. Additionally, the consultant will be responsible for overseeing the selected contractor conducting the remediation through completion, and provide all reports and permits necessary to complete the remediation and reporting requirements with the Authority and NJDEP.

### **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.

### **Other Related Duties**

The Consultant must be familiar with and knowledgeable of all NJDEP regulations concerning Site Remediation and have a thorough understanding of the regulatory and permitting requirements of the NJDEP including the Site Remediation Reform Act (SRRA), LSRP program, United States Environmental Protection Agency and other environmental and regulatory agencies having jurisdiction in New Jersey.

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 Consultant will select and utilize its own NJDEP certified testing laboratory and invoice the Authority as a direct expense. The Consultant shall be responsible for validating the laboratory's analytical results and deliverables. Data validation shall be qualitative.

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.

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

Project background materials (preliminary plans, studies, reports, etc.) will be available for review electronically through the Authority's Secure File Sharing site. Access to the secure work space will be provided to all prequalified and eligible Consultants via e-mail as part of the RFEI notification process. If there are any questions or issues related to the Secure File Sharing site, please contact Wilmer Capuno via e-mail at [wcapuno@turnpike.state.nj.us](mailto:wcapuno@turnpike.state.nj.us). The subject line should read "OPS No. T3637, Secure File Sharing Site Information."

The following materials will be available electronically to qualified firms:

- Kimball, 2000. Draft Background Investigation Report for Site 192, New Jersey Turnpike Newark #1, L. Robert Kimball & Associates, Inc., May 2000.
- Kimball, 2004. Draft Remedial Investigation/Final Site Characterization Report for Site 192, New Jersey Turnpike Newark #1, L. Robert Kimball & Associates, Inc., June 2004.
- Metcalf & Eddy, 2008. Remedial Investigation Workplan - Hudson County Chromate Orphan Site 192, Newark NJ, October 2008.
- AECOM, 2008. Remedial Action Workplan - Hudson County Chromate Orphan Site 192, Newark, NJ, October 2008.
- AECOM, 2016 Remedial Investigation Report - Hudson County Chromate Orphan Site 192, Newark, NJ, February 2016.
- AECOM, 2016 Remedial Action Workplan - Hudson County Chromate Orphan Site 192, Newark, NJ, May 2016.

### **EOI Submission Requirements**

To be considered for these services, qualified firms or prequalified Joint Ventures need to submit 5 copies of their EOI, which must contain the following:

1. **Letter of Interest** not exceeding five (5) single-sided, letter-sized pages with minimum 1-inch borders and minimum font size of 10 pt., stating the firm's interest, ability and its commitment to complete the requested professional services listed in this solicitation and in their EOI.

The Letter of Interest shall summarize the following information.

**a. Experience of the Firm on Similar Projects**

Provide information on the firm and its sub-consultants experience on similar projects.

The Firm shall provide information on past projects which they have performed that demonstrate similar service of those required for this assignment. Each project listed shall include a brief description of the project scope actually performed by the firm and its relevance to the proposed assignment. It shall identify the 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.

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

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

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

The Firm shall identify the Project Engineer 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 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).

**d. Understanding of the Project and the Authority's Needs**

Provide an explanation of the firm's understanding of the project and Authority's needs required for the successful completion of the assignment. Provide a summary of the firm's and its staff's qualifications, and state how they relate to the 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 Firm shall provide information to demonstrate that they fully understand 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. 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 Firm shall demonstrate that they fully understand the needs of the Authority as it relates to the specific scope-of-work identified in the RFEOI. The Firm must confirm the deliverables and the schedule which is outlined in the RFEOI for accomplishing the work. The Firm should also discuss project management items, including deliverables such as submittal of wage rate approvals and invoicing.

The Firm shall demonstrate through an attached estimate of work-hours the extent of work effort required to perform each primary task for the assignment as identified on the assignment staffing schedule issued with the RFEOI.

**e. Approach to the Project**

The 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 firm will use to schedule, manage and perform the required tasks within the scope of services and identify the key milestones and project's critical path. The Firm shall identify key issues and potential problems and discuss alternatives and options which would lead to resolution. The 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.

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

An affirmation of the firm's commitment and ability to complete the proposed work as well as any outstanding work the firm currently has with the Authority. The Firm shall provide an explanation of the anticipated project schedule and demonstrate that the Firm can commit the required staff resources and management to perform the assignment. A listing of the firm's facilities, including the address of the office

where the project will be performed, and how they relate to the firm's ability to provide the requested services shall be provided.

Commitment and Ability to Perform the Project

The Firm shall discuss their 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 Firm shall discuss their 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 work load of the consultant 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.

**g. Commitment to Quality Management**

An affirmation of the Firm's commitment to Quality Management and Quality Assurance/Quality Control (QA/QC). The Firm shall provide a written narrative that describes the firm's quality assurance policy and how it intends to implement a quality assurance program specifically for this assignment. The 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.

**h. Attainment of Small Business Enterprise (SBE) Participation Goals**

The Authority has adopted a Small Business Enterprise Sub-Consultant Program (the SBE Program). Under the SBE Program, firms interested in submitting an EOI 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 Minority and Women Business Development/Department of the Treasury as a Small Business Enterprise.

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

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 Project team member**, (a maximum total of 5) detailing relevant experience and professional/technical qualifications. Include resumes of proposed subconsultants, if applicable. Each resume should be one page single-sided with dates provided for each project.
4. A **detailed estimate of the work-hours** 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. The Project Schedule may be a maximum of 1 page.
6. **Recent Authority Project Experience Form** identifying all Authority projects on which the consultant 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 consultant and for each sub-consultant
7. A completed **Affidavit of Eligibility/Disclosure of Material Litigation** (which is available on the Authority's website) form for review by the Authority's legal counsel. Forms for each firm, each member of a joint venture and all sub-consultants shall be submitted. Firm shall certify that it is not suspended, disbarred or disqualified from bidding on any state or federal projects. Furthermore, no litigation shall be pending or brought against the firm that could materially affect its ability to perform the OPS described herein. 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, as these issues relate to performance of the OPS described herein.

8. A completed **Disclosure Form – Outstanding Work with the Authority** (which is available on the Authority's website) stating all outstanding work with the Authority for both New Jersey Turnpike and Garden State Parkway projects. Forms for each firm, each member of a joint venture and all sub-consultants shall be submitted. State "none" on the form if firm, joint venture or sub-consultant has no outstanding work with the Authority. **It is specifically noted that the Authority's Disclosure Form shall be submitted with the EOI. Consultants may separate types of work by category (i.e.: Design Services, Construction Services, Environmental Services, etc.) however, the "Total" amounts stated at the bottom of the page shall be the combined total amounts of all outstanding work with the Authority as identified on the form.**
9. A completed **Commitments of Proposed Project Staff** (which is available on the Authority's website) form stating the percentage of time each member has available to commit to this assignment, including subconsultant staff.
10. A completed **Certification of Staff Availability form** (which is available on the Authority's website) 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 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.
11. A completed **SBE Form – Proposed Schedule of Small Business Enterprise Participation** (which is available on the Authority's website) form. Stating the firm's intention to use SBE Certified firms as sub-consultants.
12. A completed **Disclosure of Investment Activities in Iran** form which is available on the Authority's website.
13. A completed **Vendor Source Disclosure Form** which is available on the Authority's website.
14. A completed **Ownership Disclosure Form**, pursuant to N.J.S.A. 52:25-24.2 which is available on the Authority's website.

EOIs that are incomplete may not be considered.

The NJTA has promulgated a Code of Ethical Standards pursuant to the laws of the State of New Jersey, a copy of which is available at: [http://www.state.nj.us/turnpike/documents/code\\_of\\_ethics.pdf](http://www.state.nj.us/turnpike/documents/code_of_ethics.pdf). By submitting an EOI, your firm will be subject to the intent and purpose of said Code and to the requirements of the Division on Ethical Standards of the State of New Jersey.

EOIs are limited to a total of ten (10) pages (single-sided), excluding a brief transmittal letter, the Affidavit of Eligibility/Disclosure of Material Litigation form, the Disclosure Form - Outstanding Work with the Authority, Commitments of Proposed Project Staff form, Certification of Staff Availability form, SBE form, Organization Chart, Estimate of Man/Work hours and the Project Schedule. Pages in excess of these requirements will not be considered. The information shall be presented in an organized fashion and shall be categorized in accordance with the preceding submission requirements. Foldout sheets will not be permitted. This page limitation shall be increased

to a maximum of fifteen (15) pages, if the Consultant must exercise option 9C above. The additional five (5) 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 ten (10) 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 consultant's modified approach to the project if it would be handled differently as a result of utilizing the alternate personnel.

The Consultant shall not include alternate staffing in their Expression of Interest unless they are required to do so in accordance with Option C. If included in the EOI, the proposed alternative staffing information shall be contained in a separate section of the EOI. It shall only be considered by the Authority in the scoring of the EOI if required.

Anything in excess of the 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 incomplete and may be rejected.

Expressions of Interest must be submitted no later than 10:00 am on **July 26, 2017**. Consultants will be fully responsible for the delivery of their EOIs. Reliance upon U.S. Mail or other carriers is at the Consultant's risk. Late EOIs will not be considered. EOIs hand delivered or delivered by an overnight delivery service shall be addressed to:

**New Jersey Turnpike Authority  
1 Turnpike Plaza  
Woodbridge, NJ 07095  
Attn: Engineering Department, Environmental  
Christopher Rossi, Senior Environmental Manager**

Expressions of Interest transmitted via U.S. Mail should be addressed to:

**New Jersey Turnpike Authority  
P.O. Box 5042  
Woodbridge, NJ 07095-5042  
Attn: Engineering Department, Environmental  
Christopher Rossi, Senior Environmental Manager**

#### **Inquiries**

Inquiries pertaining to this RFEOI are to be directed in writing to Christopher Rossi, Senior Environmental Manager, Engineering Department - Environmental, New Jersey Turnpike Authority, P.O. Box 5042, Woodbridge, New Jersey 07095-5042. E-mail inquiries to **crossi@turnpike.state.nj.us** are acceptable. Inquiries by FAX are also acceptable. The Fax number is (732) 750-5493. **The deadline for inquiries is July 7, 2017.** The Authority will respond to all written inquiries received. Each inquiry will be stated and a written response provided. Responses will be posted on the Authority's Internet website at <http://www.state.nj.us/turnpike/expressions-of-interests.html> under "Professional Services" on or before July 12, 2017. Consultants will be responsible for submitting their EOIs in accordance with the RFEOI and any modifications, revisions and/or clarifications thereto as a result of the posted responses. Late inquiries may not be reviewed or considered.



### **Consultant Selection**

A consultant selection will be made from the EOs that are received on time and are deemed complete. A Review Committee will evaluate the technical qualifications and experience of each firm and its project team, and will rank the firms. The evaluation and ranking of the EOs will serve as a method by which to create a short list of firms most highly qualified to perform the project, who will receive requests for technical and fee proposals.

The EOs 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>
Experience of the Firm on Similar Projects	15	45
Experience of the Project Manager on Similar Projects	15	45
Key Personnel's Qualifications and Relevant Experience	15	45
Understanding the Project and the Authority's Needs, and Reasonableness of Staffing Estimate	15	45
Approach to the Project	15	45
Commitment and Ability to Perform the Project and Outstanding Work with the Authority*	10	30
Commitment to Quality Management	10	30
Attainment of SBE Participation Goals	5	15
	100%	300

Following the review of the submitted EOs, the Authority will request Fee Proposals from the firms it deems the most qualified and will commence negotiations with such technically qualified firms in the order ranked. All respondents will be notified at the completion of the review process regarding their status.

All submittals required pursuant to P. L. 2005, Chapters 51 and 271 Executive Order 117 (2008) will be requested from the intended Awardee only. This will include the combined CH. 51/EO 117 Two-Year Certification and Disclosure of Political Contributions form (CH51.1 R1/21/2009), the P.L. 2005 c. 271 Vendor Certification and Political Contribution Disclosure Form (Rev:02/07/2006 DPP c271 C&D) completed by each business entity, as well as the Ownership Disclosure form all of which will be transmitted to the intended Awardee by the Authority via mail or fax and are to be returned to the Authority within five (5) business days.

### **Order for Professional Services**

Final OPS Documents shall consist of the Authority's Order for Professional Services (which is available on the Authority's website) and the selected firm's submitted EOI and Final Negotiated Fee Proposal.

**Effective April 29, 2014 Consultants shall be required, at their own expense, to provide ALL insurance coverages as more fully set forth in the applicable OPS Agreement. (See OPS Agreement #4)**

**Traffic Permit**

Consultants are advised that the consultant must obtain (and have in its possession) a Traffic Permit, issued by the Authority's Operations Department, before the consultant will be allowed to enter the Authority's right-of-way to perform any professional services hereunder. The Traffic Permit Application may be downloaded from the Authority's internet website at <http://www.state.nj.us/turmpike/> and requires the consultant's signature agreeing to the Traffic Permit Indemnification and Waiver of Claims.

The OPS will not be entered into by the Authority unless the firm first provides proof of valid business registration in compliance with P.L. 2001, c.134 (N.J.S.A. 52:32-44). Pursuant to this law the firm is further notified that no

subcontract shall be entered into by any firm under any OPS with the Authority unless the subconsultant first provides proof of valid business registration.

Very truly yours,

**ORIGINAL SIGNED BY**

Robert J. Fischer, P.E.  
Chief Engineer

RJR/CWR/km  
Attachments  
cc: J. Keller  
C. Rossi  
Review Committee  
File

**ATTACHMENTS**

to the

**Request for Expressions of Interest**

**Dated June 27, 2017**

for

**Order for Professional Services No. T3637**

**INVESTIGATION, PREPARATION OF CONTRACT DOCUMENTS, AND REMEDIATION OVERSIGHT AT CHROMATE SITE 192**

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**SECTION I**  
**Pregualified and Eligible Consultants**

AECOM Technical Services  
BEM Systems, Inc.  
Boswell Engineering  
Brinkerhoff Environmental Services, Inc.  
CB&I  
CDM Smith Inc.  
CME Associates  
D&B Engineers and Architects, PC  
Dewberry Engineers Inc.  
Dresdner Robin Environmental Management, Inc.  
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Equity Environmental Engineering, LLC  
First Environment, Inc  
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HCR, LLC  
Johnson, Mirmiran & Thompson, Inc.  
Mott MacDonald LLC  
Najarian Associates, Inc.  
NV5, Inc.  
NV5-Architecture PC  
PARS Environmental, Inc.  
Paulus, Sokolowski & Sartor, LLC.  
Pennonni Associates, Inc.  
Remington & Vernick Engineers  
STV Incorporated  
T&M Associates  
Taylor, Wiseman & Taylor  
Tectonic Engineering & Surveying Consultants P.C.  
The Louis Berger Group, Inc.  
TRC Environmental Corporation  
Urban Engineers, Inc.  
Van Note-Harvey Associates, P.C.  
Verina Consulting Group, LLC  
Yu & Associates, Inc.

## **SECTION II**

### **Administrative and Agreement Information**

#### **Professional Corporation**

Incorporated firms that have not filed a copy of a Certificate of Authorization, as required by N.J.S.A. 45: 8-56, with the Authority must include a copy of the Certificate with the EOI.

Professional service corporations established pursuant to the "Professional Service Corporation Act," P.L. 1969, c. 232 (N.J.S.A. 14A: 17-1 et seq.), are exempt from this requirement.

#### **Signatures**

Expressions of Interest, Technical Proposals and Fee Proposals 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 consultant in the preparation of their EOI.

#### **Addendum to EOI Solicitations**

If, at any time prior to receiving EOIs, it becomes necessary to revise any part of this EOI solicitation, or if additional information is necessary to enable a firm to make an adequate interpretation of the provisions of this EOI solicitation, an addendum to the EOI solicitation will be made available on the Authority's web-site as described herein.

#### **Acceptance of EOIs**

The Authority may award an OPS for these services to a firm that the Authority determines best satisfies the needs of the Authority. The solicitation for an EOI or Technical Proposal does not, in any manner or form, commit the Authority to award any OPS. The contents of the EOIs may become a contractual obligation, if, in fact, the EOI or Technical Proposal 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 the obligations of this EOI - Technical Proposal may result in cancellation of any OPS awarded by the Authority.

#### **Rejection of EOIs**

The Authority shall not be obligated at any time to award an OPS to any consultant. The Authority reserves the right to reject any and all proposals or to negotiate with any proposer in accordance with applicable law.

#### **Final Contract**

Any OPS entered into with a selected Consultant shall be a contract that shall be satisfactory to the Authority in accordance with the laws of the State of New Jersey. It is understood that any OPS that may be awarded will be on the basis of a professional services agreement within the intent of the statutes and laws of the State of New Jersey, specifically N.J.S.A. 27:23-6.1.

#### **Dissemination of Information**

Information included in this document or in any way associated with this project is intended for use only by the Consultant 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 the Consultant, except in replying to this EOI solicitation.

#### **News Releases**

No news releases pertaining to this RFEIOI 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**

Any EOI or Technical Proposal submitted by a firm under this EOI solicitation constitutes a public document that will be made available to the public upon request pursuant to New Jersey's Open Public Records Act, N.J.S.A. 47: 1A-1 et seq. The Consultant may request the Authority's General Counsel to deem certain sections of its EOI or Technical Proposal containing personal, financial or proprietary information non-disclosable, which determination shall be in accordance with such Act.

**Section III**  
**OPS Procurement and Project Schedule**

Posted .....	June 27, 2017
Deadline for Inquiries .....	July 7, 2017
Posted Responses to Inquiries .....	July 12, 2017
Submittal of Expressions of Interest .....	July 26, 2017
Recommendation to Award OPS .....	September 26, 2017
Notice to Proceed .....	November 2017

## **SECTION IV**

### **Scope of Services**

The scope of services below describes the site-specific NJDEP and LSRP remediation activities and compliance monitoring requirements that are proposed.

### **Hudson County Chromate Site 192**

#### **Project Background**

Site 192 is located beneath an elevated section of the New Jersey Turnpike, where it crosses over an active railroad line (Conrail Main Stem) in Essex County, New Jersey. The railroad tracks are on an embankment and the Turnpike is built on piers. The site includes Tax Block 5000, Lots 50 (PSE&G), 52 & 60.01 (Conrail Main Stem) and Lot 999 (NJTA) and Tax Block 5001, Lots 29, 35, 35.02, and 80.01 (Conrail Main Stem) and 70 (NJTA) on the City of Newark tax map as the parcels west of the Conrail Main Stem in the vicinity of NJTA Piers 10C, 10D, 11B and 11C.

Site 192 is bordered to the north by vacant properties beneath the Turnpike, the Essex County Resource Recovery Facility to the west, Public Service Electric and Gas Company (PSE&G – Essex Generating Station) to the east, and vacant properties beneath the Turnpike and other roadways (Raymond Boulevard and Route 1&9 to the south. The Conrail Main Stem crosses in a southwest to northeast direction beneath this section of the Turnpike. Soil investigation identified discrete chromate waste layers from 0.5 – 4 feet thick within the rail embankment at piers 10C and 11B. No discrete layers of chromate waste were identified beyond the toe of the rail embankment. Based on the results of soil investigations, Cr<sup>+6</sup> contamination in the rail embankment is apparently the result of chromate waste placed as fill within sheet piling barriers during construction of specific Turnpike piers.

The “Draft Background Investigation Report for Site 192, New Jersey Turnpike Newark #1” identified the following information on site geology and boring programs in 1951, 1969, and 1971. Borings WB8 and WB9 from the 1971 investigation describe a stratigraphic section consisting of:

- 5 – 6 feet of cinder, ash, and black sand fill material;
- 12 feet of gray silty clay to clayey silt;
- 26 feet of brown to gray sand;
- 6 – 10 feet of red-brown, silty clay with shale fragments;
- grading into red, shale bedrock at 50 – 54 feet below ground surface.

Boring logs from the 1951 geotechnical investigation indicate that the ash and cinder fill varies in thickness from 3 to 10 feet. Two (2) borings that were advanced through the railroad embankment indicate that it is almost 30 feet thick, composed of cinder/ash fill at the top and bottom, separated by a gravelly sand core.

The area around Site 192 is quite flat, and where undeveloped is occupied by tidal marshes. The remnant marsh deposits (black organic silt) are present beneath filled areas. The current topography is a result of various fill activities. The railroad tracks that pass through the site were constructed on a steep-sided embankment that dissects the surrounding level areas in a northeast-southwest direction. Prior to construction of the Turnpike, surface elevations in the area were about five (5) feet MSL, on both sides of the railroad embankment. The railroad embankment rises to an elevation of nearly 25 feet.



Eighty-four soil borings were advanced during a background investigation, between January and February 2003, and 16 additional soil borings were advanced at the site during the Remedial Investigation, from November 2003 to January 2004. Chromate waste was observed in seven (7) borings within the apparent limits of the sheet piling surrounding piers 10C and 11B. Hexavalent chromium ( $\text{Cr}^{+6}$ ) was detected in 54 samples at concentrations above the interim, 20 mg/kg, NJDEP, non-residential, inhalation soil cleanup criterion. The highest concentration (1,100 mg/kg) was reported just east of pier 11B, 0.0 to 1.0 feet below grade. Hexavalent chromium ( $\text{Cr}^{+6}$ ) was also detected in the vicinity of piers 10C and 11B at concentrations above the interim 270 mg/kg residential, direct-contact soil cleanup criterion.

Three (3) onsite monitoring wells, screened across the water table, were sampled for total chromium and the samples were found to contain chromium at concentrations less than the NJDEP groundwater quality standard of 70  $\mu\text{g/L}$ .

Delineation was not completed during the prior investigations in the vicinity of the west access gate and near piers 10C and 11B. This RI Workplan was prepared on behalf of New Jersey Turnpike Authority in accordance with the NJDEP Technical Requirements for Site Remediation to complete the remaining contaminant characterization at Site 192. The specific RI objectives are:

- Complete the horizontal and vertical delineation of hexavalent chromium in the subsurface soils; and,
- Confirm that groundwater at the site has not been adversely impacted by the presence of chromate waste in the fill materials that make up the site soils.

#### Area of Concern

Kimball (2000 and 2004) identified the chromate-waste used as fill around Piers 10C and 11B as the onsite source of the chromium impacts identified around these piers on Site 192. The chromate waste issues related to Piers 10C, 11B, and the surrounding area include:

- chromate waste in the form of reddish brown nodules was visible at the ground surface along with yellow/green, crystalline chromate blooms in the vicinity of piers 10C and 11B, from the piers to the bottom of the rail embankment; and,
- random chromate-waste nodules were scattered below piers 10C and 11B. Kimball (2000) reports that the distribution of these nodules is likely due to erosion from precipitation falling between the Turnpike decking and washing the nodules out of the surrounding soil matrix.

The offsite source of the chromate-waste used as fill material around Piers 10C and 11B cannot be definitively established, but was most likely one (1) of three (3) chromate ore processing plants in nearby Hudson County.

**Soil:** The soils associated with Site 192 have been impacted by the placement of chromate waste as backfill around several bridge pier foundations. Additional chromate waste may have been used as backfill during Turnpike construction, but the primary areas of chromate waste and  $\text{Cr}^{+6}$  impacts appear to be within the sheet piling around bridge piers 10C and 11B. The potential for human and environmental exposure to contaminated soil is considered low, as the portion of the Site 192 where the highest contamination is present is not vegetated, particularly attractive to fauna, or readily accessible to the general public. However, the inhalation/ingestion exposure potential for NJTA bridge pier inspectors is greater than the general public, due to their site visits and their proximity to the chromate waste during the inspections. Additional soil delineation sampling may be required to the north and west of piers 10C and 11B, near the western access gate, as well as the areas immediately north of Pier 10C and immediately east of Pier 11B.

In their Background and Remedial Investigation Reports (2000 and 2004), Kimball identified the following chromium impacts to soil:

- The use of chromate waste as fill appears to be limited to the immediate vicinity of bridge piers 10C and 11B;
- Chromium impacts in these areas are detectable as reddish brown nodules from ground surface to depth of 3 – 4 feet and as “chromium blooms” of yellow/green crystals on the ground surface
- Random chromate-waste nodules scattered below piers 10C and 11B appear to have been eroded from the embankment by precipitation falling between overhead Turnpike travel lanes; and,
- The lateral extent of chromium impacts has not been fully delineated in the immediate vicinity of Piers 10C, 11B, and to the west between the piers and the access gate.

Of the 100 borings advanced during the RI, chromate waste was observed in seven (7) (borings S3, S13, S13A, S18, S25, S27, and S89), which are located within the limits of the sheet piling surrounding piers 10C and 11B. Hexavalent chromium ( $\text{Cr}^{+6}$ ) was detected in 54 samples at concentrations above the interim, 20 mg/kg, NJDEP, non-residential, inhalation soil cleanup criterion. The highest concentration (1,100 mg/kg) was reported in sample S89, just east of pier 11B, 0.0 to 1.0 feet below grade. Hexavalent chromium was also detected near piers 10C and 11B at concentrations above the interim 270 mg/kg residential, direct-contact soil cleanup criterion. Arsenic, beryllium, cadmium, copper, lead, nickel, and vanadium were also detected at concentrations exceeding their respective NJDEP soil cleanup criteria.

Kimball (2004) found that areas in the vicinity of the west access gate, as well as pier 10C and 11B, have not been fully delineated with respect to chromium impacts in soil. Further investigation of soil was recommended, but subsequent NJDEP correspondence indicates Department approval of additional groundwater sampling/analysis, with no mention of additional soil investigation. Based upon the current NJDEP Technical Requirements for Site Remediation, vertical and horizontal soil delineation was required.

Additional RI activities were completed by AECOM in 2015, with the following results:

**Pier 11b:**

- $\text{Cr}^{+6}$  was detected at concentrations exceeding the CrSCC to a depth of 8 feet bgs.
- Boring S089 ( $\text{Cr}^{+6}$  >20 mg/kg at 8 feet bgs) was located within the sheeting around Pier 11b that had a concrete pile cap (top of pier base) approximately 5 feet below the end of boring S089. Although a vertical delineation boring could not be completed at S028 due to Conrail restrictions near their active railroad track, the vertical extent of impacted soil would be limited to the area above concrete base around Pier 11b.
- $\text{Cr}^{+6}$  CrSCC exceedances ranged from 22 mg/kg to 1,100 mg/kg; and,
- COPR was observed within the sheeted area surrounding Pier 11b to a depth of 3 feet bgs.

**Pier 10c:**

- $\text{Cr}^{+6}$  was detected at concentrations exceeding the CrSCC to a depth of 13 feet bgs. Generally the depth of these  $\text{Cr}^{+6}$  exceedances decreased towards the edge of the railroad embankment;
- Hexavalent chromium CrSCC exceedances ranged from 21 mg/kg to 140 mg/kg;
- COPR was observed to about two feet bgs within the sheeting surrounding Pier 10; and,
- Delineation of  $\text{Cr}^{+6}$  and COPR was achieved at the Pier 10c area.

**Pier 11c:**

- Hexavalent chromium was detected at concentrations exceeding the CrSCC to a depth of 14 feet bgs at Pier 11c. Generally the depth of these Cr+6 exceedances decreased toward the edge of the railroad embankment;
- Cr+6 CrSCC exceedances ranged from 21 mg/kg to 410 mg/kg;
- Cr+6 delineation was completed approximately 100 feet east of Pier 11c, but attempts to decrease the distance of the eastward delineation was limited due subsurface high voltage electrical transmission lines; and,
- COPR was identified to a depth of 5.5 ft bgs. COPR has been transported by storm water drainage about 40 feet eastward from Pier 11c to the area near soil boring S027.

**West of Pier 11a:**

- Cr+6 was detected at concentrations exceeding the CrSCC to a depth of 6 feet bgs in the area west of Pier 11a;
- Hexavalent chromium exceedances ranged from 27 mg/kg to 120 mg/kg;
- Delineation of Cr+6 was achieved at the West of Pier 11a area; and
- COPR was not identified in the borings within this area.

**Groundwater:** Neither  $\text{Cr}_{\text{total}}$  nor  $\text{Cr}^{+6}$  were detected in groundwater at concentrations above the NJDEP Groundwater Quality Standard of 70  $\mu\text{g/L}$  (Kimball, 2004). The highest  $\text{Cr}^{+6}$  concentration detected in groundwater at Site 192 was 7  $\mu\text{g/L}$ , in a filtered groundwater sample from monitoring well MW02, west of pier 10C. Water-level measurements in the three (3) onsite monitoring wells indicate a water table depth ranging from 2.7 to 6.7 feet below grade. Groundwater appears to flow from northeast to southwest across Site 192, outward from the rail embankment.

Groundwater samples were collected from the three Site 192 monitoring wells as part of the 2015 AECOM RI. None of the groundwater samples had total Cr concentrations exceeding the NJDEP GWQS. The results ranged from 4.1 J  $\mu\text{g/L}$  to 46.7  $\mu\text{g/L}$ , well below the 70  $\mu\text{g/L}$  GWQS for total Cr. Hexavalent chromium concentrations were also below the GWQS for total Cr. There is currently no GWQS for Cr+6.

**Ecological Receptors:** A Baseline Ecological Evaluation ("BEE") was conducted by Kimball as part of the Background Investigation Report (Kimball, 2000). The BEE concluded that there were no environmentally sensitive areas or contaminant migration pathways within the area of influence of chromium wastes at Site 192 and no further ecological investigations were warranted.

The scope of work is divided into the following tasks:

1. LSRP Historical Data Review and Analysis
2. Pre-Design Investigation
3. Engineering Design and Bid Preparation
4. Remediation Oversight
5. Additional Engineering Services and Reporting
6. On-Call Remedial Investigation/Remedial Design/LSRP and Other Related Duties

These tasks are described below.

### **LSRP Historical Data Review and Analysis**

The Consultant must be prepared to act on the Authority's behalf as a certified LSRP, in accordance with NJDEP regulations, which includes 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.

### **Pre-Design Investigation**

For the purposes of this EOI, assume 15 additional soil borings would be required to complete the  $Cr_{total}$  and  $Cr^{+6}$  delineation investigation. All analytical testing will be the responsibility of the selected Consultant and be considered as a direct expense. Additionally, since it has been documented that the chrome contamination has not impacted the groundwater at levels above the NJDEP GWQS, the three monitoring wells on site are to be abandoned in accordance with NJDEP N.J.A.C. 7:9D. The reporting requirements for this task will include the preparation of an RIR and a RAW Addendum. Since this task includes access near the railroad tracks on Conrail's property, and is in close proximity to PSE&G's generating station, safety training (Conrail and PSE&G) and a flagman will be necessary to perform the anticipated fieldwork. Refer to May 2016 RAW.

### **Engineering Design and Bid Preparation**

Based on the Pre-Design Investigation, the Consultant must be able to develop a Soil Remedial Design Plan specific to the AOC delineated hot spots that require remediation in the vicinity of Piers 10C, 10D, 11A, 11B, and 11C. This remedial design will include all calculations necessary to determine the volume of soil to be removed, design drawings and detail specifications which would be necessary to complete the remedial action including but not limited to; excavation locations and depth, health and safety requirements, a material management plan, backfill material, cap details, etc.

In addition, the consultant will prepare a comprehensive bid document package in accordance with the Authority's Standard and Supplemental Specification requirements which will be utilized by the Authority to solicit bids from approved contractors. Once the Authority approves the Soil Remedial Design Plan it is the Authority's intent to put that contract out to bid and select a contractor to perform the remedial activities as spelled out in the Soil Remedial Design Plan.

### **Soil Remediation and Remediation Oversight**

Once the contractor has been selected via the Authority's bid process to perform the remedial activities, the Consultant will be responsible for securing all documents and permits relating to the remediation of the chrome impacted soils including but not limited to a soil erosion permit, waste disposal tickets, bill of lading, etc. It is the Authority's intent to have the Consultant oversee the selected contractor performing the remedial action work in its entirety including field oversight and documentation, the collection/analysis of waste classification samples prior to disposal, and if necessary additional post-excavation soil samples. For the purpose of this OPS, assume 800 hours of field oversight for this task in addition to the Consultants proposed office/support hours.

### **Additional Engineering Services and Reporting**

Upon completion of the remedial action, the Consultant shall prepare and provide all reports and permits including a RAR, Deed Notice for soil, RAP and a Response Action Outcome (RAO), necessary to complete the remedial reporting requirements to the Authority in a timely manner. Upon the Authorities review and approval of the report documents, the consultant will submit the required reports to the NJDEP on behalf of the Authority. This effort should also include for up to 10 meeting (Authority, Conrail, PSEG, etc.) and coordination.

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

The Consultant may be asked to perform environmental/engineering services as needed for supplemental delineation, engineering calculations, negotiation assistance with Conrail/PSEG, and/or emergency environmental actions, including but not limited to, spills, discharges, waste disposal, and other unanticipated environmental concerns, as deemed necessary by the Authority.

In order to facilitate these potential on-call duties, a total amount of \$300,000 shall be budgeted for these services over the four-year period.

**SECTION V  
Staffing Schedule**

**OPS No. T3637**

**INVESTIGATION, PREPARATION OF CONTRACT DOCUMENTS, AND REMEDIATION OVERSIGHT AT CHROMATE SITE 192**

Classification (ASCE-Grade)	LSRP Review	Pre-Design Investigation	Engineering Design and Bid Preparation	Soil Remediation and Remedial Oversight	Additional Engineering and Reporting	Total Hours
Project Manager ( )						
Senior Engineer ( )						
Engineer ( )						
Junior Engineer ( )						
Survey (3-man crew)						
Other-Specify ( )						
Other-Specify ( )						
Total Hours						

Note: The above chart is intended to act as a guide.

## **SECTION VI**

### **Compensation Basis**

**Effective February 28, 2011 the New Jersey Turnpike Authority will no longer issue Non-Revenue Toll Passes to consultants working on Authority projects. Also effective this date, the consultant will be responsible for paying all tolls.**

Following a review of submitted Expressions of Interest, the Authority will request Fee Proposals from the firms it deems most qualified.

The Fee Proposal shall be submitted as a cost-plus fee, based on reimbursement of direct professional and technical salaries, except Corporate Officers, Partners, Owners and routine secretarial and clerical services, times a multiplier, not to exceed 2.8, based on a 10% allowance for profit and an overhead rate of 154.5%, the individual firm's overhead rate as determined by Federal Audit Regulation (FAR) procedures, whichever is less plus direct expenses and subconsultant services, at cost. The multiplier shall not be applied to the premium portion of overtime. When Corporate Officers, Partners, Owners and/or Principals are required to provide services in a technical capacity, the salaries for such services shall be reimbursable. The multiplier covers all overhead and profit. No expenses or costs shall be billed unless specifically included in this EOI Solicitation. For general services provided by Corporate Officers, Partners, Owners and/or Principals working in a non-technical capacity, no compensation will be provided.

Average rate per classification/grade will not be permitted to determine total labor costs. The Consultant shall list each individual proposed for the project and include the hours and hourly pay rate.

Effective August 1, 2015, salary rate increases will be permitted in accordance with the following parameters:

- Salary increases will not be permitted for the first 24 months of any OPS Agreement from the date of execution;
- Starting at month 25, all staff, regardless of pay grade / title, will be allowed up to a maximum annual increase of 2%;
- The proposal salary rate increase schedule will apply to the prime consultant as well as all sub-consultants;
- Supplements to OPS Agreements executed prior to August 1, 2015 will not be permitted salary increases.

The Fee Proposal when requested, shall detail time (hours) and direct salary data for classifications conforming to ASCE Professional and Technical Grades, as shown on the staffing schedule and as modified by the Consultant to account for all required services. The ceiling amount shall be estimated to the nearest \$5,000.

Salaries shall be charged at the Consultant's hourly rates. The Consultant is responsible for managing the assignment, adhering to the number of hours, salary rates and personnel, as presented in the Expression of Interest and Fee Proposals. 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 work or whenever the Consultant proposes that an individual's rate be changed during the term of this OPS, provided such change is reflected in the Consultant's Fee Proposal. Except for overtime worked on construction supervision during permissible contract working hours, approval of overtime must be issued by the Authority. The Fee Proposal shall follow and reflect the staffing schedule as shown in Section V.

Direct expenses shall include approved subconsultant/subcontractor services, mileage, laboratory analysis, vendor invoiced printing of all reports, final documents, meeting, displays/exhibits, and permit application fees. Mileage will be paid at the prevailing rate. Mileage will be reimbursed for travel between the Consultant's local office and the

project site, Turnpike 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 New Jersey Turnpike Authority.

Expenses for lodging and meals will be paid in accordance with the Federal per diem rates which can be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). Compensation for lodging and meals must be approved in advance by the Authority, otherwise the Consultant will not be reimbursed for meals and lodging. This shall also apply to the Consultants subconsultants.

Subconsultant services are those required services performed by other firms at the Consultant's direction. These services in excess of \$5,000 must be approved in advance by the Authority.

Overnight delivery charges will be paid by the Authority if said delivery is specifically requested by the Authority and agreed to in advance. Otherwise, the Consultant will not be reimbursed for overnight delivery charges if the Consultant elects to use such services for his convenience. This shall also apply to the consultant's subconsultants.

**SECTION VII**  
**NEW JERSEY TURNPIKE AUTHORITY**  
**SMALL BUSINESS ENTERPRISE SUBCONSULTING 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 Minority and Women Business Development ("Commerce Commission") and the Department of the Treasury ("Treasury") in N.J.A.C. 12A:10A-1 et seq. have the opportunity to compete for and participate in the performance of consultant services. The Authority is seeking participation of these SBEs for the issuance of certain Orders for Professional Services (OPS). Your Expression of Interest (EOI) must include a goal of awarding at least twenty-five (25%) percent of the total value of the OPS to subconsultants who are registered with the Division as a SBE. The Consultant must submit proof of its subconsultant's SBE registration. In the event that the Consultant cannot comply with the goal set forth above, prior to the time of the award, the Consultant must demonstrate to the Authority's satisfaction that a good faith effort was made to accomplish the above stated goal.

In order for the Authority to monitor and report SBE participation during the course of the OPS pursuant to N.J.A.C. 17:14-5.2, 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 the Consultant, for any reason, at any time during the course of the OPS, intends to make any additions, deletions or substitutions to the list of firms on the SBE 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.

Evidence of a "good faith effort" includes, but is not limited to:

1. Consultant shall request a listing of small businesses from the Division and the Authority and attempt to contact same;
2. Consultant shall keep specific records of its efforts, including the names of businesses contacted and the means and results of such contacts, receipts from certified mail and telephone records;
3. Consultant shall provide proof of solicitations of SBEs for their services, including advertisements in general circulation media, professional service publications and minority and women focus media;
4. Consultant shall provide evidence of efforts made to identify work categories capable of being performed by SBEs;

5. Consultant shall provide all potential subconsultants with detailed information regarding the project description;
6. Consultant shall attempt, wherever possible, to negotiate lower prices with potential SBE subconsultants which submitted higher than acceptable fee estimates; and
7. 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.

Consultant shall maintain adequate records to document their efforts and will provide same to the Authority upon request.

**SECTION VIII**  
**EQUAL EMPLOYMENT OPPORTUNITY REGULATIONS**  
**N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)**  
**And N.J.A.C. 17:27**  
**GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, 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 contractor 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, affectional 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, upgrading, 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 contractor 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 contractor or subcontractor, where applicable will in all solicitations or advertisements for employees placed by or on behalf of the contractor, 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 contractor or subcontractor 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 contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, 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 contractor or subcontractor 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 contractor or subcontractor 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, color, 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 contractor or subcontractor 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 contractor or subcontractor 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 contractor 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

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance)).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested 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 Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C.17:27**.

**SECTION IX**  
**State Contractor Political Contributions Compliance**  
**Public Law 2005, Chapter 51, Executive Order 134 and Executive Order 117**

In order to safeguard the integrity of State government procurement by imposing restrictions to insulate the award of State contracts from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof, Executive Order 134 was signed on September 22, 2004 ("EO 134"). The Order is applicable to all State agencies, the principal departments of the executive branch, any division, board, bureau, office, commission within or created by a principal executive branch department, and any independent State authority, board, commission, instrumentality or agency. Executive Order 134 was superseded by Public Law 2005, c.51, signed into law on March 22, 2005. In September 2008, Executive Order 117 was signed and became effective November 15, 2008. It applies to the same government contracting entities subject to Executive Order 134, but extends the political contribution restrictions by expanding the definition of "business entity" to include, for example, more corporate shareholders and sole proprietors. Executive Orders 134 and 117, and Public Law 2005, c.51 contain restrictions and reporting requirements that will necessitate a thorough review of the provisions. Pursuant to the requirements of PL 2005, c.51, the terms and conditions set forth in this section are material terms of any OPS resulting from this RFEI or RFP:

**DEFINITIONS**

For the purpose of this section, the following shall be defined as follows:

a) Contribution – means a contribution reportable as a recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act." P.L. 1973, c. 83 (C.19:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-7 and N.J.A.C. 19:25-10.1 et seq. Through December 31, 2004, contributions in excess of \$400 during a reporting period were deemed "reportable" under these laws. As of January 1, 2005, that threshold was reduced to contributions in excess of \$300.

b) Business Entity – means any natural or legal person; business corporation (and any officer, person, or business entity that owns or controls 10% or more of the corporation's stock); professional services corporation (and any of its officers or shareholders); limited liability company (and its members); general partnership (and its partners); limited partnership (and its partners); in the case of a sole proprietorship: the proprietor; a business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction, including its principals, officers, or partners. The definition of a business entity also includes (i) all principals who own or control more than 10 percent of the profits or assets of a business entity ; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person's spouse or child, residing in the same household.

**BREACH OF TERMS OF THE LEGISLATION**

It shall be a breach of the terms of the contract for the Business Entity to (i) make or solicit a contribution in violation of the Legislation, (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 or any candidate or holder of the public office of Governor, or to any State or county party committee; (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 Legislation; (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 Legislation; 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 Legislation.

### **CERTIFICATION AND DISCLOSURE REQUIREMENTS**

a) The Authority shall not enter into a contract to procure from any Business Entity services or any material, supplies or equipment, or to acquire, sell or lease any land or building, where the value of the transaction exceeds \$17,500, if that Business Entity has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee and/or election fund of any candidate for or holder of the public office of Governor, or to any State, county or municipal political party committee, or legislative leadership committee during specified time periods.

b) Prior to the award of any contract or agreement, the intended Awardee shall submit the Certification and Disclosure form, certifying that no contributions prohibited by the Legislation have been made by the Business Entity and reporting all contributions the Business Entity made during the preceding four years to any political organization organized under 26 U.S.C.527 of the Internal Revenue Code that also meets the definition of a "continuing political committee" within the means of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7. Failure to submit the required forms will preclude award of a contract under this RFP, as well as future contract opportunities.

c) Further, the Contractor is required, on a continuing basis, to report any contributions it makes during the term of the contract, and any extension(s) thereof, at the time any such contribution is made.

### **STATE TREASURER REVIEW**

The State Treasurer or his designee shall review the Disclosures submitted pursuant to this section, as well as any other pertinent information concerning the contributions or reports thereof by the intended awardee, prior to award, or during the term of the contract, by the contractor. If the State Treasurer determines that any contribution or action by the contractor constitutes a breach of contract that poses a conflict of interest in the awarding of the contract under this solicitation, the State Treasurer shall disqualify the Business Entity from award of such contract.

### **ADDITIONAL DISCLOSURE REQUIREMENT OF P.L. 2005, C. 271**

Contractor is advised of its responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (ELEC), pursuant to P.L. 2005, c. 271, section 3 if the contractor receives contracts in excess of \$50,000 from a public entity in a calendar year. It is the contractor's responsibility to determine if filing is necessary. Failure to so file can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available from ELEC at 888-313-3532 or at [www.elec.state.nj.us](http://www.elec.state.nj.us).

### **ADDITIONAL DISCLOSURE REQUIREMENT OF P.L. 2005, C. 51 (EXECUTIVE ORDER NO. 117)**

Governor Jon S. Corzine recently signed Executive Order No. 117, which is designed to enhance New Jersey's efforts to protect the integrity of government contractual decisions and increase the public's confidence in government. The Executive Order builds on the provisions of P.L. 2005, c. 51 ("Chapter 51"), which limits contributions to certain political candidates and committees by for-profit business entities that are, or seek to become, State government vendors.

Executive Order No. 117 extends the provisions of Chapter 51 in two ways:

1. The definition of “business entity” is revised and expanded so that contributions by the following individuals also are considered contributions attributable to the business entity:
  - Officers of a corporation, any person or business entity who owns or controls 10% or more of the corporation’s stock, and professional services corporations, including any officer or shareholder, with the term “officer” being defined in the same manner as in the regulations of the Election Law Enforcement Commission regarding vendor disclosure requirements (N.J.A.C. 19:25-26.1), with the exception of officers of non-profit entities;
  - Partners of general partnerships, limited partnerships, and limited liability partnerships and members of limited liability companies (LLCs), with the term “partner” being defined in the same manner as in the regulations of the Election Law Enforcement Commission regarding vendor disclosure requirements (N.J.A.C. 19:25-26.1);
  - In the case of a sole proprietorship: the proprietor; and
  - In the case of any other form or entity organized under the laws of this State or any other state or foreign jurisdiction: the entity and any principal, officer, and partner thereof;
  - Spouses, civil union partners, and resident children of officers, partners, LLC members, persons owning or controlling 10% or more of a corporation’s stock, all shareholders of a professional services corporation, and sole proprietors are included within the new definition, except for contributions by spouses, civil union partners, or resident children to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides.
2. Reportable contributions (those over \$300.00 in the aggregate) to legislative leadership committees, municipal political party committees, and candidate committees or election funds for Lieutenant Governor are disqualifying contributions in the same manner as reportable contributions to State and county political party committees and candidate committees or election funds for Governor have been disqualifying contributions under Chapter 51.

***Executive Order No. 117 applies only to contributions made on or after November 15, 2008, and to contracts executed on or after November 15, 2008.***

Only the intended Awardee will be required to submit the required P.L. 2005 c. 51/EO 117 and P.L., 2005, c. 271 forms. The **combined** Chapter 51/EO 117 form and the Chapter 271 form are available on the Department of Treasury Division of Purchase and Property’s website at: <http://www.state.nj.us/treasury/purchase/forms.htm>.

**SECTION X**  
**Set-Off for State Tax**  
**(N.J.S.A. 54:49-19)**

Please be advised that pursuant to P.L. 1995. C. 159, effective January 1, 1996 and notwithstanding any provision of the 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 or services or construction projects and at the same time the taxpayer, or the 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 due to the taxpayer, partnership, or S corporation. The amount of set-off shall not allow for the deduction of any expenses or other deductions which might be attributable to a partner or shareholder subject to set-off under this act. No payment shall be made to the taxpayer, the provider of goods or services or the contractor or subcontractor of construction projects pending resolution of the indebtedness.

The Director of Division of Taxation shall give notice to the set-off to the taxpayer, the provider of goods or services, or the contractor or subcontractor of construction projects and provide an opportunity for a hearing with thirty (30) days such notice under the procedures for protests established under R.S. 54:49-18. No requests for conference, protest or subsequent appeal to the Tax Court from any protest under this section shall stay the collection of the indebtedness. Interest that may be payable by the State pursuant to P.L. 1987, c. 184 (c.582:32-32et seq.) to the taxpayer, the provider of goods or services, or the contractor or subcontractor of construction projects shall be stayed.

**SECTION XI**  
**Right to Audit**

Pursuant to N.J.A.C. 17:44-2.2, authority to audit or review contract records:

- (a) Relevant records of private vendors or other persons entering into contracts with covered entities are subject to review by the Office of the State Comptroller (OSC) pursuant to N.J.S.A. 52:15C-14(d).
- (b) As of November 15, 2010, the Consultant (contract partner) shall maintain all documentation related to products, transactions or services under this contract for a period of five years from the date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request.

## **SECTION XII**

### **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 at: <http://www.state.nj.us/turnpike/documents/vendor-disclosure-form.pdf> and returned with your firm's Expression of Interest (EOI).

## **SECTION XIII**

### **Disclosure of Investment Activities in Iran**

Pursuant to N.J.S.A. 52:32-57(a), the bidder must certify that neither the Proposer, nor one of its parents, subsidiaries, and/or affiliates (as defined in N.J.S.A. 52:32-56(e)(3)), is listed 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). If the Proposer is unable to so certify, the Proposer shall provide a detailed and precise description of such activities to the Authority. Each Proposer (and all Subconsultants) shall certify under penalty of perjury, date and return to the Authority the completed form entitled "Disclosure of Investment Activities in Iran" which is available on the Authority's website at: <http://www.state.nj.us/turnpike/documents/Disclosure-of-Investment-Activities-in-Iran.pdf> with your firm's Expression of Interest (EOI). Failure to include the completed form, certified and dated, shall be grounds for rejection of Proposer's Expression of Interest (EOI).

Pursuant to N.J.S.A. 52:32-57(a), any person or entity that is on the list of entities that are doing business with Iran is ineligible to and shall not bid on or submit a proposal for a contract with the Authority.

**SECTION XIV**  
**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 contractor, nor any person acting on behalf of such contractor or subcontractor, 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 contractor, subcontractor, 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 contractor 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 section of the contract occurring after notice to the contractor from the contracting public agency of any prior violation of this section of the contract.

**SECTION XV**  
**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, 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.