

# New Jersey Turnpike Authority

P.O. Box 5042, Woodbridge, NJ 07095



January 23, 2017

## Document Change Announcement

### *2004 Standard Supplementary Specifications*

### *Helmets to Hardhats Pilot Program Removal*

*DCA2017SS-01*

#### **Subject: Revisions to**

Section 106 Legal Relations And Responsibility, Subsection 106.28 Helmets to Hardhats Pilot Program  
Section 1000 Appendices, Subsection 1000.15 Appendix F - New Jersey Turnpike Authority Helmets to Hardhats Pilot Program

#### **Description of Change:**

Refer to the attached Document Change Request form for more information.

#### **Notice to NJTA Staff and Design Consultants:**

Effective immediately, all contracts currently in the design phase shall incorporate the revisions herein. For advertised contracts awaiting the opening of bids this revision may be incorporated via addendum. Contact your NJTA Project Manager for instruction.

The revisions may be accessed on the Authority's webpage: <http://www.state.nj.us/turnpike/professional-services.html>

#### **Recommended By:**

J. Lawrence Williams, P.E.  
Deputy Chief Engineer - Construction

1-23-17

#### **Approved By:**

Robert J. Fischer, P.E.  
Chief Engineer

*Distribution: Senior Staff Engineering, Law, Maintenance & Operations Depts., UTCA, AGC, CIAP, All Prequalified Consultant Firms, File*

# NEW JERSEY TURNPIKE AUTHORITY – ENGINEERING DEPARTMENT

## DOCUMENT CHANGE REQUEST

Instructions: Forward completed DCR to DCR Administrator, Contracts Section.

<b>NJTA Supervising Engineer</b>	Jim Dougherty	<b>Date</b>	12/21/2016
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**Recommended by:**

<b>Name</b>		<b>Phone</b>	
<b>Organization</b>		<b>E-mail</b>	

Document(s) to be Updated:	Section(s)/Drawing(s) Affected:
<input type="checkbox"/> Procedures Manual	
<input type="checkbox"/> Design Manual	
<input type="checkbox"/> Construction Manual	
<input checked="" type="checkbox"/> Supplementary Specifications	106.28 & Appendix F
<input type="checkbox"/> Standard Drawings	
<input type="checkbox"/> Sample Plans	
<input type="checkbox"/> Traffic Control Manual	
<input type="checkbox"/> HASP Manual	
<input type="checkbox"/> Road User Cost Manual	


**Description:**

This DCA removes provisions for the Helmets to Hardhats Pilot Program, located in Supplementary Specification Subsection 106.28 and Appendix F as established in DCA2014SS-06.

**Justification:**

Since October 2014, Helmets to Hardhats provisions have been incorporated in construction contracts as a pilot program per N.J.S.A. 27:23-51. The Engineering and Law Departments have agreed that the pilot efforts have appropriately met the requirements of the cited statute and thus the provisions must be removed.

<b>For Reviewers Only:</b>	ID# <u>0213</u>	Approval <u>1</u> of <u>4</u>
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 Approver	<u>WCW</u> Initials	<u>Jan. 6, 2017</u> Date
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NOTE TO REVIEWER: The following language is REMOVED from the version of the NJTA 2004 Standard Supplementary Specifications which existed prior to the issuance of this DCA.

*The following subsection is added:*

## **106.28 — HELMETS TO HARDHATS PILOT PROGRAM**

~~In accordance with N.J.S.A. 27:23-51, et seq., the Authority shall institute a pilot program (the "Program") to aid former military personnel in finding employment in the construction industry. Under the Program, the Authority shall comply with the requirements of the N.J.S.A. 27:23-51, et seq., including the conditional veto message of Governor Christie, to ensure that veterans are given every opportunity to pursue meaningful employment with the State of New Jersey.~~

~~The Authority has established an 8% benchmark for the term of the Program for all construction contracts for currently employed veterans, veteran hiring, and retention by Authority construction contractors. The target number of labor hours (H2H Hours and/or Veteran Hours) to be performed by veterans employed by contractors for work on this contract shall be 8% of this project's total labor hours. The Contractor shall make a good faith effort to achieve the requirements set forth below and to meet or exceed the 8% total labor hours criteria.~~

~~The requirements for the Helmets to Hardhats Pilot Program are:~~

- ~~• Wages for Veterans enrolled in this program shall be compensated in accordance with prevailing wage requirements.~~
- ~~• H2H Hours may only be satisfied by Veterans employed by the Contractor in an apprentice able trade through the NJH2H Program.~~
- ~~• Veteran Hours shall include positions and work both in the administrative and construction areas.~~
- ~~• Proof of eligibility for each veteran participant must be documented for credit towards the H2H Hours and/or Veteran Hours goals.~~
- ~~• Proof may include any documentation of an employee's veteran status lawfully issued by the United States Government, including military discharge Form DD-214.~~

~~The following actions shall be taken by a Contractor in establishing a good faith effort to meet the requirements established above for this contract:~~

- ~~• The Contractor shall attempt to locate qualified Veterans;~~
- ~~• The Contractor shall provide all subcontractors with detailed information regarding the program;~~
- ~~• The Contractor shall keep a record of its efforts, including the names of organizations contacted and the means and results of contact;~~

~~Within 30 days after Notice of Award, the Contractor shall submit a written plan to the Engineer specifically to address the Helmets to Hardhats goals and requirements. Such plan shall be submitted to the Engineer for approval. At a minimum, the plan shall define the Program goals required by the Authority for the specific project, description of anticipated employment positions to be filled by veterans, estimated total project hours, the estimated total H2H Hours and/or Veteran Hours (minimum 8% of the total project hours), the overall percentage of veteran employment by the Contractor, and the Contractor's plan to meet such goals.~~

~~In the event that the Contractor cannot meet the above mentioned Helmets to Hardhats requirements and goals set for this contract, the Contractor must demonstrate with supporting documentation to the Authority's satisfaction that a genuine good faith effort has been made to~~

~~meet this percentage. Said documentation and supporting information shall be submitted to the Engineer for the Authority's review.~~

~~Additional information regarding the New Jersey Turnpike Authority's Helmets to Hardhats program is bound hereinafter as Appendix F.~~

~~To allow the Authority to monitor and report Helmets to Hardhats participation during the course of the Contract pursuant to N.J.S.A. 27:23-51, et seq., the Authority form entitled "NJH2H Certificate of Participation" found in Appendix F shall be completed by the Contractor and attached to each "Certificate for Payment to Contractor" that is submitted for payment in accordance with Section 108. The form shall account for all personnel of the Prime Contractor, all subcontractors and others in accordance with the requirements of eligibility as set forth in the Program and information contained in Appendix F.~~

~~Certificates for Payment submitted without the completed NJH2H Certificate of Participation Form will not be processed.~~

~~Any changes to the Helmets to Hardhats baseline plan after approval shall be incorporated into the plan through written updates. Update submissions will be required to accurately reflect changing employment needs of the Contractor and/or the Project. The Authority anticipates that employment needs of the Contractor may change or evolve through the course of the project as changes are incorporated into the contract. Labor hour targets shall be re-evaluated and adjustments shall be made as needed to maximize employment opportunities within the Program based on the NJH2H Certifications of Participation and projected total project hours at the completion of the contract.~~

~~Upon completion of the highway project, the Contractor shall submit a Certification indicating the status of H2H and/or Veteran Hours utilized during the project, as well as the Contractor's average veteran hiring percentage over the course of the project. The Certification shall include the names of each veteran who participated in the project, project hours completed, position filled, description of work, and current status of employment for each veteran.~~

NOTE TO REVIEWER: The following language is REMOVED from the version of the NJTA 2004 Standard Supplementary Specifications which existed prior to the issuance of this DCA.

## **~~Appendix F—New Jersey Turnpike Authority Helmets to Hardhats Pilot Program~~**

~~In accordance with N.J.S.A. 27:23-51, et seq., the New Jersey Turnpike Authority (the “Authority”) shall institute a pilot program (the “Program”) to aid former military personnel in finding employment in the construction industry. Under the Program, the Authority shall comply with the requirements of the N.J.S.A. 27:23-51, et seq., including the conditional veto message of Governor Christie, to ensure that veterans are given every opportunity to pursue meaningful employment with the State of New Jersey.~~

~~The Program shall continue through March 31, 2015. The following shall be requirements of the Program:~~

### **~~I.——Overview~~**

#### **~~A. Program Goals~~**

- ~~1. The goal of the Program is to provide a broad range of opportunity to maximize employment for military personnel within the construction industry. To that end, during the term of the Program, all construction contracts for any highway project constructed by the Authority shall be awarded such that not less than 5 percent or more than 20 percent of the projected labor hours per project are awarded to contractors who employ workers in an apprenticeable trade participating in the Helmets to Hardhats Program as certified by the New Jersey State Building and Construction Trades Council (“NJH2H Program”).~~
- ~~2. In accordance with the conditional veto message of Governor Christie, this Program is intended to ensure that all veterans are given every opportunity to pursue meaningful employment with the State of New Jersey, both with contractors who are registered with the New Jersey State Building and Construction Trades Council and with all other construction contractors. The goal of the Program remains the same: to provide a broad range of opportunity to maximize employment for veterans within the construction industry in New Jersey. Authority construction contractors will be expected to meet the labor hour goals and veteran hiring benchmarks set by the Authority under this Program.~~
- ~~3. All construction contractors prequalified by the Authority are encouraged to not only employ veterans through the NJH2H Program, but also to employ veterans in general in both administrative and construction areas.~~

#### **~~B. Baseline Determination~~**

~~At the outset of the Program, the Authority shall inquire of all of its contractors who have been prequalified for construction contracts in 2014 to determine: (1) whether such contractor is or is not a participant in the NJH2H Program; (2) how many (and what percentage of total) current employees are employed through the NJH2H Program, and in which trades; and (3) how many (and what percentage of total) current employees are veterans.~~

### ~~C. Prevailing Wage~~

~~Wages for veterans enrolled in the Program who are working on the project site in a trade position shall be compensated in accordance with prevailing wage requirements. Wage reporting shall be in accordance with normal project requirements.~~

## ~~II. Veteran Hiring Goals~~

### ~~A. General~~

~~The Authority shall encourage the overall hiring and retention of veterans by Authority contractors, including in the administrative and construction areas relating to highway projects.~~

### ~~B. Benchmarks~~

#### ~~1. Purpose and Methodology~~

~~During the term of the Program, the Authority shall establish benchmarks for veteran hiring and retention by all construction contractors working with the Authority, including contractors who participate in the NJH2H Program. The purpose of such benchmarks is to create a quantifiable method by which the Authority can measure the progress of achieving equal employment opportunities for veterans in Authority highway projects. Contractors should note that a benchmark is not a rigid or inflexible quota which must be met, nor is it to be considered a ceiling or a floor for the employment of veterans.~~

~~In establishing such benchmarks, the Authority has used as a reference those regulations promulgated by the United States at 41 C.F.R. 60-300.45, to promote veteran hiring under the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended by the Jobs for Veterans Act of 2002. Under 41 C.F.R. 60-300.45(b)(1), an acceptable method of determining the federal veteran hiring benchmark is to determine the "national percentage of veterans in the civilian labor force," which according to the United States is currently 8%.~~

#### ~~2. 8% Veteran Hiring Benchmark for Duration of Program:~~

~~As the Authority agrees with the federal methodology set forth above, the Authority has established an 8% benchmark for the term of the Program for veteran hiring and retention by Authority construction contractors.~~

### ~~C. Veteran Labor Hours~~

~~During the term of the Program, for each highway project undertaken by the Authority, the Chief Engineer shall determine the appropriate attainable target number of labor hours to be performed by veterans employed by Authority contractors ("Veteran Hours"). Such Veteran Hours shall be both in the administrative and constructions areas.~~

~~Such determinations shall take into account any information deemed to be relevant by the Chief Engineer, including, but not limited to, the nature of the particular highway project at issue, and the veteran hiring benchmark set by the Authority under the Program.~~

~~Such determinations shall be included in the contract specifications for the particular project, such that all potential bidders on the contract shall be aware of the veteran labor goals for the project.~~

### ~~III. — Helmets to Hardhats Hiring Goals~~

#### ~~A. — H2H Labor Hours~~

~~— During the term of the Program, for each highway project undertaken by the Authority, the Chief Engineer shall determine the appropriate attainable target number of labor hours to be performed by veterans employed through the Helmets to Hardhats Program (“H2H Hours”). This target should be between 5 and 20% of the projected labor hours for the highway project.~~

#### ~~B. — Relevant Information~~

~~Such determinations shall take into account any information deemed to be relevant by the Chief Engineer, including, but not limited to, the nature of the particular highway project at issue, and the number of veterans seeking employment through the NJH2H Program.~~

~~Such determinations shall be included in the contract specifications for the particular project, such that all potential bidders on the contract shall be aware of the Helmets to Hardhats goals for the project.~~

### ~~IV. — Employer Participation/Record Keeping~~

#### ~~A. — Eligibility of Military Personnel~~

~~Proof of eligibility for each veteran participant must be documented for credit towards the H2H Hour and/or Veteran Hour goals for each highway project. It shall be the responsibility of each Authority contractor to track the veteran status and/or NJH2H Program participation of its employees, and to maintain proof of such employee eligibility, which shall be provided to the Authority upon request. Such proof may include any documentation of an employee’s veteran status lawfully issued by the United States Government, including military discharge Form DD-214.~~

#### ~~B. — Labor Hours/Hiring Benchmarks~~

##### ~~1. — Good Faith Effort Required~~

~~— The Authority requires that all contractors submitting bids for highway projects agree to take all necessary and responsible steps, in accordance~~

~~with the Program, to meet the target H2H Hours and/or Veteran Hours set by the Authority for each project. The sufficiency of the good faith effort shall be evaluated by the Authority. Contractors must keep a record of their efforts to employ veterans, both through the NJH2H Program and otherwise, and shall provide such records to the Authority upon request.~~

## **~~2.—Baseline Program Submission:~~**

~~The Contractor shall submit a written plan to the Authority to meet the set H2H Hours and/or Veteran Hours for the project, and to meet the required veteran hiring benchmark. Such plan shall be submitted for the Authority's review and approval. At a minimum, the plan shall define the Program goals required by the Authority for the specific project, description of anticipated employment positions, estimated total H2H Hours and Veteran Hours required for the project, the overall percentage of veteran hiring by the Contractor, and the Contractor's plan to meet such goals.~~

## **~~3.—Credit for Completed Hours:~~**

### **~~a.—H2H Hours~~**

~~H2H Hours may only be satisfied by veterans employed by the Contractor in an apprenticeable trade through the NJH2H Program. H2H Hours relating to a particular highway project may include hours spent working on the Project site, as well as hours spent working off site, provided that the work done off site is directly related to the highway project.~~

### **~~b.—Veteran Hours~~**

~~Veteran Hours may be satisfied by veterans working for the Contractor on duties related to the highway project both on site and off site.~~

- ~~1.—On Site Project hours: Veteran Hours for veteran working on site may include field labor positions (trades) and/or field office positions including project management positions, administrative positions, inspection positions, etc. specifically created for a project.~~
- ~~2.—Off Site Project hours: Veteran Hours for participants working off site may be stationed in corporate offices and may include project management positions, administrative positions, clerical positions, etc. Off site hours shall be included as project hours, despite the participant's involvement in other roles beyond the specific project.~~

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## **~~4.—Program Update Submission:~~**

~~As positions are filled by veterans, the plan shall be immediately updated and submitted to the Authority. The update submission shall include the name of the veteran and position filled, and the anticipated H2H Hours or Veteran Hours that veteran shall perform on the project, and any changes to the applicable percentage of veteran hiring by the Contractor overall. Any changes to the approved Baseline submission after approval shall be incorporated into the update submissions to accurately reflect any changing employment needs of the Employer and/or the~~



~~Project. The Authority accepts that employment needs of the Contractor may change or evolve through the course of the Program. Labor hour targets may be re-evaluated and program goal adjustments may be made as needed to maximize employment opportunities within the Program based on monthly reports.~~

#### **~~5. Program Monitoring and Reporting~~**

- ~~a. On a monthly basis, each employer shall submit the form titled "NJH2H Certificate of Participation" indicating H2H Hours and/or Veteran Hours fulfilled by veterans. This certification shall be a complete and accurate accounting of positions filled by veterans and associated H2H Hours and/or Veteran Hours on each project and shall also include information as to whether the contractor has met the 8% veteran hiring benchmark during the preceding month.~~
- ~~b. During the course of project construction, if it becomes apparent that the veteran hiring benchmark or H2H or Veteran hours established for the project cannot be met, the Contractors shall submit to the Authority documentation of all good faith efforts put forth in promoting employment opportunities to military personnel.~~

#### **~~C. Certificate of Completion~~**

~~Upon completion of the highway project, the Contractor shall submit a Certification indicating the status of H2H and/or Veteran Hours utilized during the project, as well as the Contractor's average veteran hiring percentage over the course of the project. The Certification shall include the names of each veteran who participated in the project, project hours completed, position filled, description of work, and current status of employment for each veteran.~~

#### **~~V. Program Evaluation~~**

~~Upon expiration of the Program, the Authority shall perform an evaluation to determine what impact, if any the Program has had in connecting former military personnel with jobs in the construction industry, and on the cost of highway projects during the Program period. The Authority shall review its efforts to comply with the goals of the Program and the target veteran hiring benchmarks, as well as the target Veteran Hours and H2H Hours established for each highway project, and the impact of those benchmarks and labor hour targets on employment opportunities for veterans. The Authority shall report the findings of its Program evaluation to the Governor and Legislature, as required by N.J.S.A. 27:23-54.~~

***NJH2H CERTIFICATE OF PARTICIPATION***

*Construction* \_\_\_\_\_ *Estimate No.* \_\_\_\_\_ *Period* \_\_\_\_\_  
*Contract No.:* \_\_\_\_\_ *(Note if Final)* \_\_\_\_\_ *Ending* \_\_\_\_\_

<i>NAME</i>	<i>JOB TITLE, CRAFT</i>	<i>DATES OF COMMENCEMENT &amp; ESTIMATED COMPLETION</i>	<i>ACTUAL AMOUNT OF HOURS THIS PERIOD</i>	<i>TOTAL AMOUNT OF HOURS TO DATE</i>	<i>TARGET AMOUNT OF CONTRACT HOURS</i>

*IN WITNESS WHEREOF the undersigned hereunto set its* \_\_\_\_\_

*Contractor*

*Hand and seal this* \_\_\_\_\_ *day of* \_\_\_\_\_, 201\_

*Name*

*Title*

*By:* \_\_\_\_\_

*WITNESS OR ATTEST:* \_\_\_\_\_

*Signature*

*Date*