

New Jersey Turnpike Authority

P.O. Box 5042, Woodbridge, NJ 07095



May 22, 2020

Document Change Announcement

2016 Standard Supplementary Specifications

Disabled Veteran-Owned Businesses (DVOBs)

DCA2020SS-02

Subject: Revisions to

Advertisement for Proposals

Appendix V, New Jersey Turnpike Authority Requirements for Disabled Veteran-owned Business Set-Aside Program for Construction Contracts

Section 106 Legal Relations And Responsibility, Subsection 106.27 Disabled Veteran-owned Business Program

Description of Change:

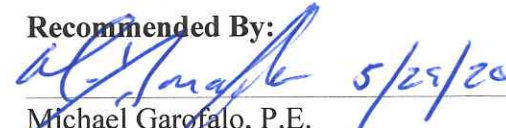
This DCA incorporates a statutory subcontracting goal for disabled veteran-owned businesses.

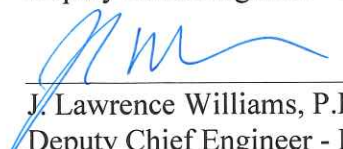
Notice to New Jersey Turnpike Authority Staff and Design Consultants

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

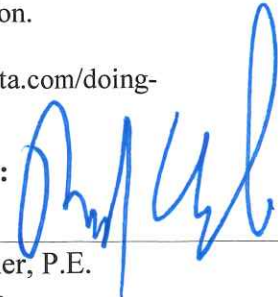
The revisions may be accessed on the Authority's webpage: <https://www.njta.com/doing-business/professional-services>

Recommended By:


Michael Garofalo, P.E.
Deputy Chief Engineer - Construction


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Approved By:


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Chief Engineer

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

NOTE: The following text are REVISIONS, as indicated by the tracked changes, to the latest version of the 2016 Standard Supplementary Specifications.

ADVERTISEMENT FOR PROPOSALS

(SELECT ROADWAY)

Contract No. [Insert Contract Number]

[Insert Contract Title]

Proposals are invited for Contract No. [Insert Contract number], which involves [insert brief description of Contract] from Milepost [insert number] to [insert number] in [insert location], New Jersey.

The principal items of work include:

Asphalt Concrete Bridge Surfacing5,700 Tons

Bidders must be prequalified under Contract Classification [insert classification], Rating [insert rating], up to \$[insert dollar amount] Maximum prior to the receipt of bids. For proposals submitted by joint ventures, each member of the joint venture must be prequalified in the Contract Classification, and the sum of the ratings held by each member must be within 10 percent of the total price bid by the joint venture. In cases where the sum of the ratings exceeds \$10 million, the joint venture's rating will be Unlimited.

Prequalification or renewal of prequalification must be received by the New Jersey Turnpike Authority's (the "Authority") Engineering Department no later than [insert date]. Prequalification documents are available on the Authority's website (<https://www.njta.com/doing-business/construction-and-maintenance-contracts>) under the location entitled "Contractor Prequalification Requirements". Prequalification documents may be obtained at the Contracts and Specifications Office or will be mailed to prospective Bidders upon request.

PUBLIC WORKS CONTRACTOR REGISTRATION

Contractors shall comply with the Public Works Contractor Registration Act, as amended, N.J.S.A. 34:11-56.48 et seq. No Bidder shall bid on any Contract for public work, as defined in N.J.S.A. 34:11-56.26(5), unless the Bidder is registered pursuant to this Act. No Contractor or Subcontractor, including lower tier Subcontractors, shall engage in the performance of any public work subject to the Contract, unless the Contractor or Subcontractor is registered pursuant to the Act.

BUSINESS REGISTRATION ACT

Proof of valid business registration with the State of New Jersey Department of Treasury Division of Revenue and Enterprise Services, shall be submitted by the successful Bidder in the form of a valid Business Registration Certificate in compliance with N.J.S.A. 52:32-44, as amended. No Contract shall be awarded without proof of business registration with the Division of Revenue and Enterprise Services.

SMALL BUSINESSES SET-ASIDE AND DISABLED VETERAN-OWNED BUSINESS REGISTRATION

In accordance with Executive Order No. 84 (~~Florio 1993~~) signed by Governor Jim Florio on March 5, 1993 and Executive Order No. 71 (~~McGreevey 2003~~) signed by Governor James E. McGreevey on October 2, 2003, it is the policy of the Authority that Small Business Enterprises ("SBEs"), as determined and defined by the State of New Jersey, Department of the Treasury, Division of Revenue & Enterprise Services ("Division") in N.J.A.C. 17:13-1.1 et seq., have the opportunity to compete for and participate in the performance of Contracts for the purchase of goods and services and for construction services required by the Authority. The Authority further requires that its Contractors shall agree to take all necessary and responsible steps, in accordance with the aforementioned regulations, to ensure that SBEs have these opportunities.

The Contractor agrees to make a good faith effort to award at least 25% of this Contract to Subcontractors registered by the Division as an ~~SBE Small Business Enterprise ("SBE")~~ firm. Subcontracting goals do not apply if the prime Contractor is a registered SBE firm.

In accordance with the New Jersey Set-Aside Act for Disabled Veterans' Businesses, N.J.S.A. 52:32-31.1 et seq. (P.L. 2015, c. 116), it is the policy of the Authority that Disabled Veteran-Owned Businesses ("DVOBs"), as determined and

defined by the State of New Jersey, Department of Treasury, Division of Revenue and Enterprise Services in N.J.A.C. 17:14-1.1 et seq., have the opportunity to compete for and participate in the performance of contracts and subcontracts for construction services. The Authority further requires that its Contractors shall agree to take all necessary and responsible steps, in accordance with the aforementioned regulations, to ensure that DVOBs have these opportunities. The Contractor is encouraged to obtain a complete copy of the applicable regulations (N.J.A.C. 17:14-1.1 et seq.) prior to submitting bids to the Authority.

The Contractor agrees to make a good faith effort to award at least 3% of this Contract to Subcontractors registered by the Division as a DVOB firm. Subcontracting goals do not apply if the prime Contractor is a registered DVOB firm.

All Bidders must comply with N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 relating to affirmative action rules prohibiting discrimination in employment and requiring affirmative action in performance of Contracts awarded to the successful Bidder.

INSTRUCTIONS TO BIDDERS

Proposals must be submitted electronically through the Bid Express Electronic Bidding portal on the Authority's website (<https://www.njta.com/doing-business/construction-and-maintenance-contracts#>) under the location entitled "Bid Express". Paper bids will not be accepted.

The deadline to submit proposals is [insert time]* o'clock Prevailing Time on the morning/afternoon of [insert date]* at which time proposals will be downloaded by the Authority from the Bid Express website and said proposals will be publicly opened and read.

The Bidders are advised that the Proposal Bond form or the Letter of Surety form provided in the Authority's Electronic Bidding software must be executed by the Bidder when this type of proposal guaranty is selected by the Bidder. Bidders are also advised that Public Law 2005, Chapter 51 (Executive Order 134 - McGreevey 2004) and Executive Order 117 (Corzine 2008) Certification and Disclosure forms must be executed by the intended awardee only.

Contract documents may be examined or purchased online starting [insert date]* at the Bid Express website, www.bidx.com. Instructions may also be found through the Electronic Bidding link found on the Authority's website (<https://www.njta.com/njta/main>). The 2016 Standard Specifications, which form an integral part of the Contract, are available electronically on the Authority's website (<https://www.njta.com/doing-business/2016-standard-specifications>) and in print from the Authority at an additional cost of Forty Dollars (\$40.00) per copy.

Bidders are invited to attend a non-mandatory pre-bid presentation to be conducted by the Authority for the purpose of providing general information regarding the work involved under this Contract.

Prospective Bidders may register via e-mail to [Authority's Project Engineer]* by [Time & Date]* at [e-mail address]*. The e-mail subject line should read, "Contract No. [XXXX.XXX] Pre-Bid Presentation". Instructions related to the time of the presentation and other details regarding the presentation will be made available via e-mail by [Date]*. The presentation will be conducted on [Date]*.

~~The Contractor~~ Prospective Bidders may request to visit the site for ~~their~~ own familiarity prior to the proposal due date. All requests shall be via e-mail to [Authority's Project Engineer]* at [e-mail address]*. The e-mail subject line should read, "Contract No. [XXXX.XXX] Site Visit Request".

The pre-bid site visit will be the only opportunity for the prospective Bidders to visit the site. During the pre-bid site visit a tour of the site will be conducted. No other site visits will be scheduled. Arrangements for the prospective Bidders to gain access to the site for the pre-bid site visit will be provided via e-mail to the prospective Bidders that register, as indicated above.

Nothing discussed or presented at the pre-bid site visit shall be considered part of the Contract. All requests for interpretation or correction must be submitted in accordance with Subsection 102.05.

NEW JERSEY TURNPIKE AUTHORITY

(Insert Name) Chief Engineer or Director of Maintenance

NOTE: The following text are ADDITIONS to the latest version of the 2016 Standard Supplementary Specifications.

SECTION 106 – LEGAL RELATIONS AND RESPONSIBILITIES

106.27 Disabled Veteran-owned Business Program

In accordance with the New Jersey Set-Aside Act for Disabled Veterans' Businesses, N.J.S.A. 52:32-31.1 et seq. (P.L. 2015, c. 116), it is the policy of the Authority that Disabled Veteran-Owned Businesses ("DVOBs"), as determined and defined by the State of New Jersey, Department of Treasury, Division of Revenue and Enterprise Services in N.J.A.C. 17:14-1.1 et seq., have the opportunity to compete for and participate in the performance of contracts and subcontracts for construction services. The Contractor shall agree to take all necessary and responsible steps, in accordance with the aforementioned regulations, to ensure that DVOBs have these opportunities.

The Contractor shall agree to make a good faith effort to award at least 3% of this Contract to Subcontractors registered by the Division as a DVOB firm. Subcontracting goals do not apply if the prime Contractor is a registered DVOB firm.

The Contractor shall comply with all requirements described in Appendix V.

APPENDIX V – NEW JERSEY TURNPIKE AUTHORITY
REQUIREMENTS FOR DISABLED VETERAN-OWNED
BUSINESS SET-ASIDE PROGRAM
FOR CONSTRUCTION CONTRACTS

The following pages provide Bidders with information about the New Jersey Turnpike Authority (the “Authority”) Disabled Veteran-Owned Business (“DVOB”) Set-Aside Program requirements for non-federally funded construction contracts and subcontracts. Clarification of the DVOB specifications along with assistance in completing the required forms can be obtained by calling the Compliance Manager at the Authority’s Office of Equal Employment Opportunity (hereinafter “Office of EEO”) at (732) 750-5300 (ext. 8733).

CONTRACT CLAUSE

It is the policy of the Authority that DVOBs, as determined and defined by the State of New Jersey, Department of Treasury, Division of Revenue and Enterprise Services (“Division”) in N.J.A.C. 17:14-1.1 et seq., have the opportunity to compete for and participate in the performance of contracts and subcontracts for construction services in accordance with the New Jersey Set-Aside Act for Disabled Veteran’s Businesses, N.J.S.A. 52:32-31.1 et seq. (P.L. 2015, c. 116). The Authority further requires that its contractors shall agree to take all necessary and responsible steps, in accordance with the aforementioned regulations, to ensure that DVOBs have these opportunities.

This language is included to ensure that all persons who enter into any form of contractual agreement with the Authority are aware of their responsibilities and the commitment of the Authority to see that its Disabled Veteran-Owned Business Set-Aside Program (“Program”) is carried out in all instances.

EXPLANATORY NOTE

The following information is provided by the Authority to prospective Bidders in an effort to promote and encourage participation in its Program for businesses registered with the Division as a DVOB. The information provided below is not a complete reproduction of the regulations governing DVOB registration and participation. Accordingly, to the extent that any of the information contained below conflicts with the applicable regulations, the regulations shall govern. Interested parties are encouraged to obtain a complete copy of the applicable regulations (N.J.A.C. 17:14-1.1 et seq.) prior to registering with the Division and submitting bids to the Authority.

I. Standards of eligibility for disabled veteran-owned businesses for goods and services and for State construction contracts

See N.J.A.C. 17:14-2.1.

(a) In order to be eligible as a disabled veteran-owned business, a business must satisfy the following criteria:

1. The business must be independently owned and operated, as evidenced by its management being responsible for both its daily and long-term operation, and its management owning and controlling at least 51 percent interest in the business;
2. The business must be incorporated or registered to do business in the State and have its principal place of business in New Jersey; and
3. The business owner must have Federal certification from the Department of Veteran’s Affairs as having a service-connected disability.

II. Obligation to provide information; penalties for failure to provide complete and accurate information (N.J.A.C. 17:14-2.2)

See N.J.A.C. 17:14-2.1.

(a) Applicants under this chapter shall accurately and honestly supply all information required by the Division.

- (b) When a business has been approved as a disabled veteran-owned business on the basis of false information knowingly supplied by the business, and the business has been awarded a State contract, or a subcontract thereto, the Unit, after notice and opportunity for a contested case hearing pursuant to N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and N.J.A.C. 17:14-3.1, shall:
 - 1. Assess the business any difference between the contract amount and what the State's cost would have been if the contract had not been awarded in accordance with the provisions of N.J.S.A. 52:32-31 et seq.;
 - 2. Assess the business a penalty in the amount of 10 percent of the amount of the contract or subcontract involved;
 - 3. Order the business ineligible to transact any business with a State contracting agency for a period between three months and one year; and
 - 4. Order the Division to disallow the registration of the business as a disabled veteran-owned business for a period of one year from the State's database.
- (c) Any business approved by the Division as a disabled veteran-owned business shall immediately apprise the Division of any circumstances that might affect the eligibility of the business under this chapter.
- (d) The failure of a business to report any such changed circumstances, or the intentional and/or knowing reporting of false information, shall disqualify the business for inclusion in the database under this chapter for a period of one year.
- (e) When a business has been registered as a disabled veteran-owned business on the basis of false information knowingly supplied by the business, but the business has not been awarded a State contract, the Unit, after notice and opportunity for a contested case hearing pursuant to N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and N.J.A.C. 17:14-3.1, shall order the Division to disallow the registration of the business as a disabled veteran-owned business from the State's database for a period of one year.

III. Registration procedures for disabled veteran-owned businesses

See N.J.A.C. 17:14-3.1.

- (a) A business seeking to register as a disabled veteran-owned business shall comply with the following registration procedures:
 - 1. The business shall register at www.newjerseybusiness.gov, for Premier Business Services; and
 - 2. The business shall apply to the Division by completing the Vendor Registration Form, available online at www.nj.gov/njbgs.
 - i. As part of its application to the Division, a business shall document its principal place of business, independent status, number of employees, and its gross revenues. This documentation shall include all forms and reports requested by the Division on the Vendor Registration Form.
 - ii. If an applicant knowingly supplies inaccurate or false information, the application shall be denied under this chapter, the business shall be disqualified from inclusion in the disabled veteran-owned business database pursuant to N.J.A.C. 17:14-2.2, and the business may be subject to adverse action, including, but not limited to, debarment, suspension, or disqualification by contracting agencies, the Attorney General, or other enforcement agencies.
- (b) When an application for registration as a disabled veteran-owned business has been completed, the Division shall determine whether to approve it and notify the business of its decision. If approved, the Division will issue the business a registration certification and add the business to the disabled veteran-owned business database.

- (c) The disabled veteran-owned business database shall be used by State contracting agencies to confirm eligibility of a business for set-aside contracts and subcontracts and in reporting progress toward established contract award goals.
- (d) Every five years, no later than 20 days prior to expiration of the disabled veteran-owned business's registration, and not earlier than 60 days prior to the expiration of such registration, a business interested in remaining registered as a disabled veteran-owned business shall comply with the registration procedures under (a) above.
- (e) Annually, the business shall submit, prior to the anniversary of the registration notice, a verification statement, in which it shall attest that there has been no change in the ownership, revenue eligibility, or control of the business at the State's website, www.nj.gov/njbgs.
 - i. If the business fails to submit the annual verification statement by the anniversary date of the registration notice, the registration will lapse and the business will be deemed revoked from the State's disabled veteran-owned business database. If the business seeks to be registered after revocation, it will have to reapply.
 - ii. If the business submits the annual verification statement by the anniversary date of the original registration notice, but either the verification statement or other information received by the Division indicates that the business is no longer eligible for registration as a disabled veteran-owned business, the Division shall revoke the registration pursuant to this chapter and following revocation, the business shall be deemed revoked from the State's disabled veteran-owned business database. The business may appeal this revocation pursuant to the procedures set forth at N.J.A.C. 17:14-3.4.

IV. Time for application to register as a disabled veteran-owned business

See [N.J.A.C. 17:14-3.2](#).

- (a) A business may apply to the Division at any time to be registered as a disabled veteran-owned business and to be placed on the disabled veteran-owned business database.
- (b) If a business is to be eligible to bid on a specific set-aside contract or participate in the subcontracting goal programs for purposes of this chapter, it must be validly registered as a disabled veteran-owned business by the Division on or before the date the bid or proposal is due at the State contracting agency.

V. Procedures for challenging a business registered as a disabled veteran-owned business

See [N.J.A.C. 17:14-3.3](#).

- (a) The qualification under this chapter of a business as a disabled veteran-owned business may be challenged by any third-party.
 - 1. A registration challenge shall be made in writing to the Unit, setting forth the factual basis for the challenge. The Unit shall provide a copy of the challenge and a notice granting the opportunity for a hearing to the challenged business. Where a particular contract is at issue, the Unit shall also provide a copy of the challenge to the contracting agency.
 - 2. A registration challenge to the Unit may concern only the qualification of the business under this chapter as a disabled veteran-owned business. Any challenge to a business's qualifications to perform a contract shall be referred to the appropriate State contracting agency.
- (b) When the Unit receives a registration challenge, upon request of the business whose registration is at issue, the Unit Manager or a designee shall conduct a hearing on the matter as follows:
 - 1. The Unit shall notify all interested parties (including, but not limited to, the challenging party, the business whose registrations is at issue, and any affected State contracting agency) of the time and place of the hearing, and of the right to attend and be represented at the hearing.

2. The burden of proof lies with the challenger to establish that the business whose registration is at issue is not qualified and/or not properly registered as a disabled veteran-owned small business under this chapter. However, the Unit may use its own resources to ascertain the validity of a challenge and the status of a business.
3. The hearing will be conducted by the Unit Manager or his or her designee. The Unit Manager will issue a written report within seven working days following the close of the hearing.
4. At the discretion of the Unit Manager or his or her designee, participants at the hearing may be permitted to file written exceptions to the report no later than five working days after the date on which the report is made available to the business.
5. If no exceptions are filed, or permitted to be filed, under (b)4 above, the decision shall be final. If exceptions are filed under (b)4 above, after reviewing the exceptions, the Unit Manager will issue a final decision on the challenge and notify the parties by letter.
6. A challenge to a business's eligibility shall not stay the contract award process.

VI. Procedures for denial, non-conferral, or revocation of registration as a disabled veteran-owned business

See N.J.A.C. 17:14-3.4.

- (a) If the Division chooses to not confer or deny an application for a disabled veteran-owned business registration, or revokes a registration as a disabled veteran-owned business, the Division shall so notify the business. The denial or revocation is effective as of the date of the Division's notice to the business of its denial or revocation determination.
- (b) When a business has been denied registration or has had its registration revoked, the business has the right to an appeal. The appeal procedures in this section govern denials and revocations, except for revocations on the basis of false information knowingly supplied by the business or failure to submit the annual verification statement. Revocation based on false information knowingly supplied by the business is addressed by the procedures at N.J.A.C. 17:14-2.2.
- (c) Within 10 days from receipt of the denial or revocation notification, the business that received the notification may request, in writing to the Unit, an appeal hearing. The appeal may concern only the qualification of the business under this chapter as a disabled veteran-owned business. When the Division receives an appeal, it shall conduct a hearing on the matter as follows.
 1. The Unit shall notify the business of the time and place of the hearing and of the right of the business to appear and be represented by counsel at the hearing.
 2. The appeal request shall include all information, including any relevant documents, available to the appealing business relevant to the appeal.
 3. The burden of proof lies with the appealing business to show that the denial or revocation of the business registration was in error and that the appealing business meets all of the requisite qualifications under this chapter to be registered as a disabled veteran-owned business.
 4. The hearing will be conducted by the Unit Manager or a designee. The Unit Manager shall issue a written report within seven days of the close of the hearing.
 5. At the discretion of the Unit Manager or his or her designee, the business may be permitted to file written exceptions to the report no later than five working days after the date on which the report is made available to the business.
 6. If no exceptions are filed, or permitted to be filed, under (c)5 above, the decision shall be final. If exceptions are filed under (c)5 above, after reviewing the exceptions, the Unit Manager shall issue a decision on the appeal and notify the business by fax (or other electronic means) and letter.

VII. Subcontracting goal program and procedures

See N.J.A.C. 17:14-4.2.

- (a) When deemed appropriate, any State contracting agency, consistent with its contracting authority, may establish and administer a subcontracting goal program in lieu of, or as a supplement to, the set-aside program.
- (b) Each State contracting agency shall maintain records regarding subcontracts awarded pursuant to this program. The procedures shall include the following provisions:
 - 1. The State contracting agency shall review its schedule of contracting opportunities and establish a method of determining which upcoming contracts are suitable for the subcontracting goal program.
 - i. Factors to be considered when making the determination that a particular contract is suitable for inclusion in this program include, but are not limited to: the minimum number of contractors assigned to a commodity code, the total dollar amount of the project and subcontracting opportunities on the project, and the number of available eligible businesses in geographical proximity to the project site.
 - ii. The designation of a particular RFP as a disabled veteran-owned business set-aside subcontracting opportunity shall be made prior to the public advertisement.
- (c) For construction contracts, the State contracting agency shall review the project to determine whether the disabled veteran-owned business set-aside goals are appropriate or can be reasonably attained given the elements of the job. The State contracting agency may review the Division's list of classified contractors to determine the number of eligible businesses, as established at N.J.A.C. 17:14-2.1, that may reasonably be expected to participate in the project, giving consideration to the geographic location, required trades, and estimated dollar value of the project.
 - 1. The disabled veteran-owned business enterprise goal for construction projects set-aside can be reached either at the prime or subcontractor level.
 - 2. The public advertisement shall include a notice to prospective bidders disclosing the disabled veteran-owned business goal for the contract.
 - 3. Bidders shall provide sufficient documentation of its good faith efforts to meet the set-aside goal either with its bid or within 10 days of a request by the State contracting agency or other State agency. Failure to comply may preclude award of a contract to a bidder.

VIII. Good faith efforts of bidders; requirements

See N.J.A.C. 17:14-4.3.

- (a) The following actions shall be taken by a bidder in establishing a good faith effort to solicit and award subcontracts to eligible disabled veteran-owned businesses, as established in the RFP:
 - 1. The bidder shall attempt to locate qualified potential disabled veteran-owned business subcontractors;
 - 2. The bidder shall consult the disabled veteran business database if none are known to the bidder;
 - 3. The bidder shall keep a record of its efforts, including the names of businesses contacted and the means and results of such contacts, as well as documentation on any good faith efforts to solicit and award any subcontract to an eligible disabled veteran-owned business; and
 - 4. The bidder shall provide all potential subcontractors with detailed information regarding the specifications.

IX. Exemptions from set-aside program

See N.J.A.C. 17:14-4.4.

In those circumstances where Federal law, rules, or regulations permit or require a procurement procedure other than those prescribed in this chapter, the State contracting agency shall follow the Federal procedures notwithstanding the provisions of this chapter, provided that the State contracting agency issues a written declaration that such Federal laws, rules, or regulations are in effect.

X. Good faith efforts of Contractor

- (a) The Authority requires that SBE/DVOB Forms A, B, C and D, as applicable, which are located on the Authority website, be submitted within seven (7) days after Notice of Award. However, the Authority may extend the deadline for this requirement at its sole discretion.
- (b) If the Contractor submits the SBE/DVOB forms within the requested timeframe, but fails to meet the DVOB goal, a fully completed and notarized SBE/DVOB Form D must be submitted, and the Authority will evaluate the efforts made by the Contractor to determine whether a demonstration of good faith efforts has been made.

XI. Post-Award Obligations

- (a) General Instructions:
 - 1. Refer to the Authority's SBE/DVOB Participation Schedule ("Form A"). The listing of a DVOB firm by a Contractor on Form A shall constitute a representation by the Contractor to the Authority that such DVOB firm is qualified and not unavailable, and a commitment by the Contractor that it will enter into a subcontract with such DVOB firm for the portion of the work described in Form A and at the price set forth in its Bid. A DVOB Contractor which lists itself on Form A is committed to performing the work indicated with its own personnel.
 - 2. A database of DVOBs is maintained by the State, accessible via a link on the Division's webpage at https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp; the database lists vendors by designation, including DVOBs, and is available for use by State contracting agencies and others in confirming eligibility for set-aside contracts and subcontracts and in reporting progress toward established contract award goals. Use of this listing does not relieve the Contractor of its responsibility to seek DVOB participation from other sources.
 - 3. Whenever the Authority issues Project Change Orders, the Authority may determine if increased DVOB participation will be required.
 - 4. If at any time the Contractor believes or has reason to believe that a proposed DVOB has become unavailable or, due to change in ownership or management responsibility, does not meet the standards set forth in Article II, the Contractor shall, within 10 days, notify the Authority of that fact. Within 15 days thereafter, the Contractor shall, if necessary to achieve the stated goal, make every reasonable effort to subcontract the same or other work to other DVOB firms.
 - 5. Should a DVOB become ineligible during the course of this Contract, effective as of the date of ineligibility, further contractual dollars expended with the DVOB shall not be counted toward the DVOB goal. Within 15 days after notification by the Authority to the Contractor of the ineligible DVOB, the Contractor will make every reasonable effort to satisfy the DVOB goal. The Contractor's effort to continue to meet the DVOB goal shall be coordinated with the Office of EEO.
 - 6. To ensure that all obligations under subcontracts awarded to DVOBs are met, the Authority shall review the prime Contractor's DVOB involvement efforts during the performance of the contract. The Contractor shall monitor the performance of and collect and report data on DVOB participation to the Office of EEO. The form will be reviewed to determine Contract compliance with respect to the DVOB goal. Failure to submit this report may result in suspension of payments as provided in the section titled "Audit and Penalties" below. If, at any time, the Authority has

reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, it shall refer the matter to the Attorney General of the State of New Jersey.

7. The Contractor agrees to pay each subcontractor and supplier for satisfactory performance of its subcontract no later than ten (10) days from the receipt of each payment the Contractor receives from the Authority.
8. Refer to the Authority's SBE/DVOB Certificate of Participation ("Form E"). In accordance with N.J.S.A. 52:32-40 and 52:32-41, the Contractor shall certify, prior to the issuance of a progress payment by the Authority, that all subcontractors and suppliers have been paid any amounts due from previous progress payments and shall be paid any amounts from the current progress payment. Alternatively, the Contractor shall certify that there exists a valid basis under the terms of the subcontract to withhold payment from the subcontractor or supplier and therefore payment is withheld.
9. If the Contractor withholds payment from the Subcontractor or supplier, the Contractor shall provide to the Subcontractor or supplier written notice thereof. The notice shall detail the reason for withholding payment and state the amount of payment withheld. The Contractor shall send a copy of the notice to the Surety of the Contract Bond. A copy of the notice shall also be submitted to the Authority with the certification that payments are being withheld.

(b) Substitution of DVOBs

Except as provided herein, the Contractor shall not have the work performed, or the materials or supplies furnished, by any other SVOB firm other than those named in Form A. However, the Contractor may, in unusual situations, be permitted to substitute a subcontractor(s). A request for substitution must be in writing, with complete justification for the request. The Contractor must have approval of the Authority before substitution of the DVOB subcontractor, regardless of the reason for the substitution. Failure to obtain approval from the Authority could result in the prime Contractor being found to be in "noncompliance" with the requirements of the contract. The term "unusual situations" includes, but is not limited to, a DVOB subcontractor's or DVOB joint venture partner's:

1. Failure to qualify as a DVOB or maintain DVOB registration status.
2. Death or physical disability, if the named subcontractor or DVOB partner of the joint venture is an individual.
3. Dissolution, if a corporation or partnership.
4. Bankruptcy of the subcontractor, subject to applicable bankruptcy laws, and only in instances where the bankruptcy affects the subcontractor's ability to perform.
5. Inability to obtain, or loss of, a license necessary for the performance of the particular category of work.
6. Failure or inability to comply with a requirement of law applicable to the subcontract work.
7. Material failure to comply with the terms and conditions of the subcontract.
8. Material failure to successfully perform the subcontract tasks.

XII. Audit and Penalties

The prime Contractor is advised that failure to carry out the requirements of these specifications shall constitute a breach of contract and may result in termination of the contract by the Authority, or such remedy as the Authority deems appropriate. During the performance of the contract, and for a period of up to three (3) years following completion of the contract work, the Authority may conduct reviews for compliance with the requirements of the DVOB Program. Such reviews may include the evaluation of monthly reports, desk audits and site visitations. Where a

prime Contractor, or any Subcontractor, is found to be in noncompliance with the requirements of the DVOB Program during the performance of the contract, it will be required to take corrective action. If corrective action is not promptly taken by the offending contractor, the following sanctions may be instituted (singularly, in any combination and in addition to any other remedies provided by law):

1. The Authority may withhold further payments under the Contract.
2. The Contract may be terminated for breach.
3. Suspension or debarment proceedings may be commenced in accordance with New Jersey law and the Authority regulations.
4. The Contract Bond may be enforced.

XIII. The Authority Program: Post-Award Submittals

Copies of the following forms are located on the Authority website:

(a) Authority Form A: SBE/DVOB Participation Schedule:

List all DVOB firms scheduled to participate in the contract, including scope of work to be performed and the dollar value of their anticipated participation. Additionally, the name of the Contractor's DVOB liaison officer should be included on this form. Upon execution of a contract with the Authority the prime contractor must enter into a formal agreement with the DVOB(s) listed on Form A. There can be no substitution of the DVOB(s) listed on Form A without the prior written approval of the Authority. If, for any reason Form A is not completed, then the Contractor must complete and provide Form D (see below).

(b) Authority Form B: Affidavit of SBE/DVOB: (If Applicable)

For each DVOB owned firm listed on Form A, Contractor shall include a complete and signed Form B. This form B is not required for set aside contract awards, nor in cases wherein the Contractor is a DVOB itself.

(c) Authority Form C: Affidavit of DVOB:

Each DVOB firm to be utilized must sign Form C attesting to its validity as a DVOB.

(d) Authority Form D: SBE/DVOB Unavailability Certification (If Applicable):

If the Contractor is unable to identify DVOB(s) as required to meet the targeted goal set for this Contract, the Contractor shall complete and attach this form which documents the Contractor's good faith efforts to do so.

(e) Authority Form E: SBE/DVOB Certificate of Participation:

This is the payment report that must be completed on a monthly basis by the Contractor, unless the Contractor is a DVOB itself

(f) Authority Form F: SBE/DVOB Certificate of Participation (Prime is SBE/DVOB):

If the Contractor is a DVOB itself, the Contractor shall complete this form and attach it with every Pay Estimate.

XIV. Definitions (N.J.A.C. 17:14-1.2)

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

"Bidder" means any individual or business entity submitting a proposal, quotation, or other offer to do business with the State of New Jersey in response to an invitation for bids.

"Bidding threshold" means the dollar limit placed on all public contracting agencies pursuant to N.J.S.A. 52:34-7 or 52:25-23 to establish when public advertisement of bids is required.

"Construction contract" means any contract to which the State or any State contracting agency is a party involving any construction, renovation, reconstruction, rehabilitation, alteration, conversion, extension, or demolition of or repair or other changes or improvements of any kind whatsoever to any State public structure or facility. The term also includes contracts for consultant services, supervision, inspection, and other functions incidental to actual construction.

"Consultant" means an architect, engineer, construction manager, or other provider of technical and professional services.

"Contractor" means any party awarded a contract or agreement to provide goods and services or design and/or construction services to the State of New Jersey.

"Delegated purchasing authority" means the authority of a State agency to award contracts below the bid threshold amount pursuant to authority delegated by the Director, Division of Purchase and Property (See N.J.S.A. 52:25-23) or for design and construction contracts pursuant to the authority delegated by the Director, Division of Property Management and Construction (see N.J.S.A. 52:34-7).

"Department" means the Department of the Treasury.

"Director" means the head of the Division of Revenue and Enterprise Services in the Department of the Treasury.

"Disabled veteran-owned business" means a business that has its principal place of business in the State, is independently owned and operated, and at least 51 percent of which is owned and controlled by persons who are disabled veterans or a business that has its principal place of business in this State and has been officially verified by the United States Department of Veterans' Affairs as a service disabled veteran-owned business for the purposes of Federal department contracts pursuant to Federal law.

"Disabled veteran business database" means the State database that is accessible via a link on the Division's webpage at www.nj.gov/njbgs; the database lists disabled veteran-owned businesses and is available for use by State contracting agencies and others in confirming eligibility for set-aside contracts and subcontracts and in reporting progress toward established contract award goals.

"Disabled veteran-owned business set-aside unit" or "Unit" means the section in the Department of the Treasury that provides oversight and direction for the disabled veteran-owned business set-aside program for the State of New Jersey.

"Division of Property Management and Construction" or "DPMC" means the division within the Department of the Treasury that provides a centralized design and construction contract procurement and administration service for other State agencies pursuant to N.J.S.A. 52:18A-151 et seq.

"Division of Purchase and Property" means the division within the Department of the Treasury that provides centralized procurement of goods and services for Executive Branch State agencies pursuant to N.J.S.A. 52:27B-56.

"Division of Revenue and Enterprise Services" or "Division" means the division in the Department of the Treasury that administers the registration of disabled veteran-owned business enterprises.

"Goal" means the statutorily determined percentage of contracting dollars awarded by each State contracting agency to disabled veteran-owned businesses in order to comply with the statutory set-aside provisions. It includes the percentage of State contracting dollars that the State contracting agency makes a good faith effort to award to disabled veteran-owned businesses.

"Invitation for Bids" or "IFB" means the document issued by a State contracting agency to initiate an advertised bidding and contract award process, and includes Requests for Proposals (RFPs). The IFB establishes the contract's terms and conditions, the

product and/or service specifications, and the bidding eligibility to businesses approved as disabled veteran-owned business entities.

"Premier Business Services" means online business services provided via the State's business portal at www.nj.gov/njbusiness/home/pbs/, which include tax filing and payment services for which a business must register as part of its disabled veteran-owned business application.

"Principal place of business" means the location where 51 percent or more of a business' employees work, as evidenced by the payment of unemployment taxes, or the location where 51 percent or more of business operations occur, as supported by income or business tax returns.

"Registration" means the process by which any disabled veteran-owned business can have its eligibility for participation in the Department's disabled veteran-owned business programs determined.

"Request for Proposals" or "RFP" means the document issued by a State contracting agency to initiate an advertised bidding and contract award process.

"Set-Aside Act" means the New Jersey Set-Aside Act for Disabled Veteran's Businesses, N.J.S.A. 52:32-31.1 et seq. (P.L. 2015, c. 116).

"Set-aside contract," for the purposes of construing and applying the rules in this chapter only, means a contract, specifically designated by a contracting agency, in whole or in part, for award to a disabled veteran-owned business, which may include a component allowing the use of subcontractors to satisfy the requirements of a set-aside.

"State contracting agency" or "contracting agency" means any board, commission, committee, authority, division, department, college, or university of the State that possesses the legal authority to enter into or award contracts for goods and services or design and construction contracts.

"Subcontractor" means a third-party that is engaged by a contractor to perform all or part of the goods, services, or construction services included in a contract with the State.

"Term contract" means an award made by a State contracting agency in which a source of supply for a product or service is established for a specific period of time. A term contract is generally applied when a State contracting agency:

1. Establishes a fixed unit price, hourly rate, or discount for items or services to be purchased thereunder;
2. Provides for some estimated dollar volume or minimum quantities to be purchased; or
3. Provides for the rebidding of any single purchase that exceeds a specified maximum amount.

"Treasurer" means the Treasurer of the State of New Jersey or his or her designee.

"Vendor Registration Form" means the form available via a link on the Division's website at www.nj.gov/njbgs, that a business completes when applying to register as a disabled veteran-owned business under this chapter.

"Veteran" means any citizen and resident of this State honorably discharged, or released under honorable circumstances, who served in any branch of the Armed Forces of the United States, or a Reserve component thereof, for at least 90 days and shall include disabled veterans.

**NEW JERSEY TURNPIKE AUTHORITY
 SMALL BUSINESS ENTERPRISE ("SBE") PROGRAM
 AND DISABLED VETERAN-OWNED BUSINESS ("DVOB") SET-ASIDE PROGRAM
 FORM A*
SBE/DVOB PARTICIPATION SCHEDULE**

Contract Number: _____ Project Title: _____

SBE GOAL% _____ DVOB GOAL% _____

NAME AND ADDRESS OF SBE 1, 2, 3, 4 and/or 5, 6 or DVOB SUBCONTRACTOR	S	S	S	S	S	S	D	**	**	TYPE OF WORK TO BE PERFORMED	DOLLAR AMOUNT OF SUBCONTRACTOR WORK***	SUB- CONTRACT %
	B	B	B	B	B	B	V	M	W			
	E	E	E	E	E	E	O	B	B			
	1	2	3	4	5	6	B	E	E			

The undersigned will enter into a formal agreement with the SBE(s)/DVOB(s) listed in this schedule conditioned upon execution of a contract with the Authority for the above referenced project.

Authorized Signature: _____ Name of Company: _____

Print Name: _____ Title _____ Prime Contractor's Liaison Officer: _____

Company Phone # _____ Company Address: _____

This form MUST be completed and submitted within seven (7) days after Notice of Award.

SBE Prime or DVOB Prime Contractors need only to complete this form for their firm.

* In the event Form A cannot be completed, or if the percentage of the goal for the contract is not met, Form D must be completed.

** The provision of this information is voluntary and will not be considered in determining the successful bid or in calculating SBE participation.

*** Eliminate Price in Professional Service Contracts Only.

**NEW JERSEY TURNPIKE AUTHORITY
SMALL BUSINESS ENTERPRISE ("SBE") PROGRAM AND
DISABLED VETERAN-OWNED BUSINESS ("DVOB") SET-ASIDE PROGRAM
FORM B
INTENT TO PERFORM AS A SUBCONTRACTOR**

TO: _____ CONTRACT NUMBER: _____
(Name of Prime Contractor)

PROJECT TITLE: _____

The undersigned intends to perform subcontract work in connection with the above-mentioned project as (Check One):

Individual Corporation Partnership Joint Venture L.L.C. Other

The SBE or DVOB Category status of the undersigned is confirmed on the attached Affidavit of SBE or DVOB (SBE-DVOB Form C).

The undersigned is prepared to perform the following described work in connection with the above-referenced project:

and at the following price: _____

NOTE: Eliminate Price on Professional Service Contracts Only.

The Prime Contractor has projected the following commencement date for such work, and the undersigned projects completion of such work as follows:

_____ Project Commencement Date _____ Projected Completion Date

With respect to the proposed subcontract described above, ____% of the dollar value of such subcontract will be subcontracted and/or awarded to Non-SBE Contractors and/or Non-SBE Suppliers and/or Non-DVOB Contractors and/or Non-DVOB Suppliers.

The undersigned will enter into a formal agreement for the above work with the Prime Contractor conditioned upon execution of a contract with the Authority. As a SBE or DVOB Subcontractor, I will cooperate with the certification and monitoring process set forth by the Authority for the referenced project.

Signature of SBE or DVOB Date _____
Name of SBE or DVOB Firm

Type Name _____
Address

Type Title _____
Telephone Number

**NEW JERSEY TURNPIKE AUTHORITY
SMALL BUSINESS ENTERPRISE ("SBE") PROGRAM
AND DISABLED VETERAN-OWNED ("DVOB") SET-ASIDE PROGRAM
FORM C
AFFIDAVIT OF SBE/DVOB**

Contract Number: _____ Project Title: _____

I, _____ (Name) HEREBY DECLARE AND AFFIRM that I am the
_____ (Title) and duly authorized representative of the firm of
_____ (Firm) located in the State of _____.

Bidder acknowledges and affirms that he/she is registered and approved in good standing with the State of New Jersey, Department of the Treasury, Division of Minority & Women Business Development ("Division") as a SBE or DVOB and has been placed on the Division's small vendor list. This status must be achieved on or before the date the bids are received and opened.

*****ATTACHED IS A COPY OF OUR SBE OR DVOB REGISTRATION CERTIFICATE.*****

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING DOCUMENT ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE ABOVE FIRM, TO MAKE THIS AFFIDAVIT.

Signature:

Date:

On this _____ day of _____, 20____, before me _____
(Name of Notary Public), the person described in the foregoing Affidavit acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

In Witness whereof, I hereunto set my official seal.

Notary Public

(Seal)

My Commission Expires _____

**NEW JERSEY TURNPIKE AUTHORITY
 SMALL BUSINESS ENTERPRISE ("SBE") PROGRAM
 AND DISABLED VETERAN-OWNED ("DVOB") SET-ASIDE PROGRAM
 FORM D
SBE/DVOB UNAVAILABILITY CERTIFICATION**

Contract Number: _____ Project Title: _____

I, _____ (Name), _____ (Title),
 of _____ (Prime Contractor)
 located in the STATE OF _____

certify that on _____ (Date), I contacted the following SBE(s) and DVOB(s) to obtain a Bid for work items to be performed on the Project named above.

To the best of knowledge and belief, each SBE or DVOB identified in this form was unavailable for work on this project, exclusive of unavailability due to lack of agreement on price, and each SBE or DVOB was unable to prepare a bid for the following reason(s) (if known):

SBE or DVOB Firm Name	SBE Category No. or Construction Code or Commodity Code	SBE or DVOB Registration No.	Type of Work
Reason Unavailable:			
Reason Unavailable:			
Reason Unavailable:			
Reason Unavailable:			
Reason Unavailable:			

(additional pages are attached as necessary)

Signature: _____ Date: _____

This form MUST be completed and submitted within seven (7) days after Notice of Award.

On this _____ day of _____, 20____, before me _____, the person described in the foregoing Affidavit acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

In witness thereof, I hereunto set my official seal.

 Notary Public

(Seal)

My Commission Expires _____

**NEW JERSEY TURNPIKE AUTHORITY
 SMALL BUSINESS ENTERPRISE ("SBE") PROGRAM AND
 DISABLED VETERAN-OWNED BUSINESS ("DVOB") SET-ASIDE PROGRAM
 FORM E
SBE/DVOB CERTIFICATE OF PARTICIPATION**

Contract Number: _____

Estimate Number _____ (Note if Final)

Period Ending _____

NAME & ADDRESS OF SBE OR DVOB SUBCONTRACTOR	PAY ITEM & DESCRIPTION OR PARTS THEREOF, OF WORK PERFORMED	DATES OF COMMENCEMENT & ESTIMATED COMPLETION	ACTUAL AMOUNT PAID THIS PERIOD	TOTAL AMOUNT PAID TO DATE	ESTIMATED AMOUNT TO BE PAID AT END OF CONTRACT	M/WBE (optional)
			\$	\$	\$	
			\$	\$	\$	
			\$	\$	\$	
			\$	\$	\$	
			\$	\$	\$	
			\$	\$	\$	

CERTIFICATES FOR PAYMENTS SUBMITTED WITHOUT THE COMPLETED SBE-DVOB FORM E WILL NOT BE PROCESSED.

IN WITNESS WHEREOF the undersigned has hereunto set its

Hand and seal this _____ day of _____, 20__

By: _____

Prime Contractor: _____

 Prime Contractor's SBE Liaison Officer

Telephone Number _____

WITNESS OR ATTEST:

**NEW JERSEY TURNPIKE AUTHORITY
 SMALL BUSINESS ENTERPRISE ("SBE") PROGRAM AND
 DISABLED VETERAN-OWNED BUSINESS ("DVOB") SET-ASIDE PROGRAM
 FORM F
SBE/DVOB CERTIFICATE OF PARTICIPATION (PRIME IS SBE/DVOB)**

NAME & ADDRESS OF SBE OR DVOB SUBCONTRACTOR	PAY ITEM & DESCRIPTION OR PARTS THEREOF, OF WORK PERFORMED	DATES OF COMMENCEMENT & ESTIMATED COMPLETION	ACTUAL AMOUNT PAID THIS PERIOD	TOTAL AMOUNT PAID TO DATE	ESTIMATED AMOUNT TO BE PAID AT END OF CONTRACT	M/WBE (optional)
<p>Per the Authority's Standard Supplementary Specifications, Appendix X and Appendix V:</p> <p>If the Contractor is an SBE/DVOB itself, the Prime Contractor shall enter their firm's name and Contract Number below and attach this form with every Pay Estimate.</p> <p>Contract Number: _____</p> <p>_____ (Prime Contractor) is a registered SBE or DVOB per the requirements of Appendix X and Appendix V. Therefore, completing this form is not required.</p>						

CERTIFICATES FOR PAYMENTS SUBMITTED WITHOUT THE COMPLETED SBE CERTIFICATE OF PARTICIPATION WILL NOT BE PROCESSED.

IN WITNESS WHEREOF the undersigned has hereunto set its

Hand and seal this _____ day of _____, 20__

By: _____

WITNESS OR ATTEST:

Prime Contractor: _____

 Prime Contractor's SBE Liaison Officer

Telephone Number _____