

September 16, 2020

To: ALL CONSULTANTS

Subject: REQUEST FOR EXPRESSIONS OF INTEREST
ORDER FOR PROFESSIONAL SERVICES NO. T3820
Preliminary Design and Environmental Services for
Newark Bay – Hudson County Extension

The New Jersey Turnpike Authority (Authority) invites Expressions of Interest (EOIs) for a Complex project from engineering Firms prequalified and eligible in the following Profile Codes:

Profile Code(s)	Description(s)
A250	Fully Controlled Access Highways
C190	Preparation of EIS and EA's
D491	Transportation Planning: Alternative Analyses

Attached (see Section I) is a list of all consultants currently prequalified and eligible to submit an EOI for the above referenced assignment. *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. Only those Firms who have been prequalified for the specified profile code(s) this project entails will be considered. Prequalification is not required for subconsultants. Prequalification is required for Joint Ventures.

The Authority shall be seeking participation of Disabled Veteran Owned Business Enterprises (DVOBs) as subconsultants. The project goal is 3% DVOB participation to New Jersey Businesses (see Section VII of the Attachment to the Request for Expressions of Interest for the program provisions.)

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 Request for Expressions of Interest for the program provisions).

This solicitation is for professional services requiring comprehensive preliminary engineering and environmental services of the New Jersey Turnpike's Newark Bay-Hudson County Extension (NB-HCE). The project limits

extend from Interchange 14 in Newark to the eastern terminus of the Authority's jurisdiction at Jersey Avenue in Jersey City, exclusive of Interchange 14. The 8.1 mile NB-HCE was opened to traffic in 1956, 64 years ago.

Project Description

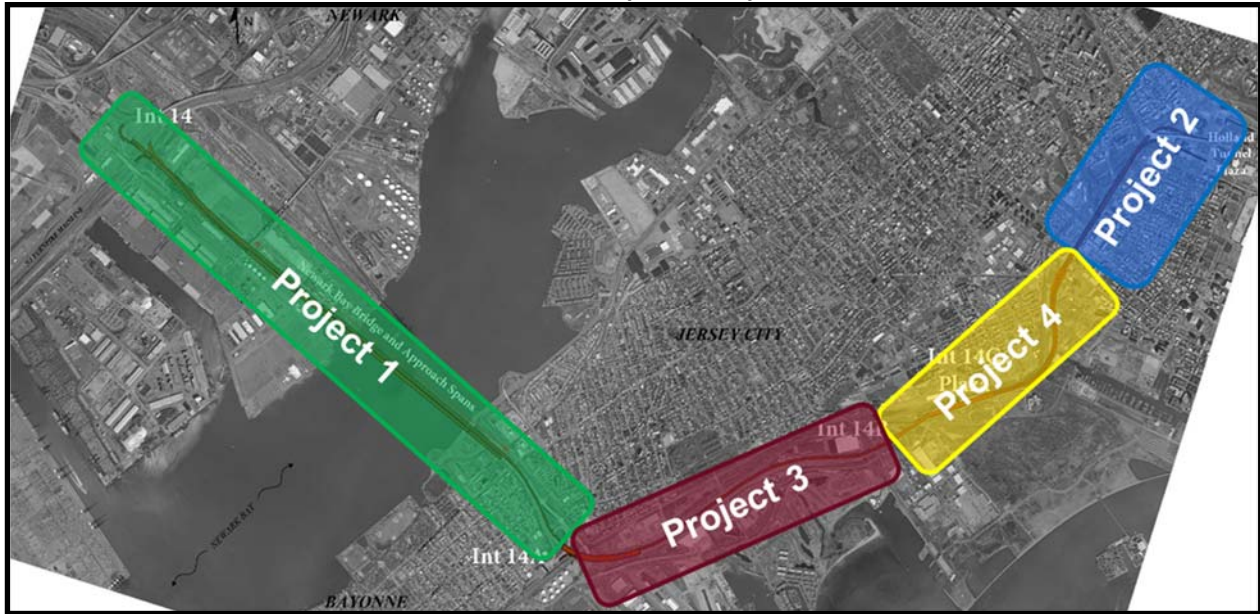
The Newark Bay – Hudson County Extension (NB-HCE) is a primary corridor connecting the Tri-State region to New York City via the Holland Tunnel. Over the next 25 years, continued increases in commercial and passenger vehicular traffic will place new travel demands on the entire length of the 8.1 mile NB-HCE. The corridor has insufficient capacity to accommodate the existing, much less, the anticipated increased future demand. The burden of this additional traffic demand will affect the NB-HCE mainline and Interchanges 14A, 14B, 14C, and connection to Jersey City and the Holland Tunnel at the eastern terminus of the NB-HCE.

In addition to the need to accommodate future travel demand, the existing structures, originally constructed circa 1956, are nearing the end of their serviceable life. The increasing volume and weight of trucks traveling on the corridor have resulted in significant wear of the structures requiring ongoing investment in repair and rehabilitation.

Based on the "Draft Needs Assessment and Alternative Study" dated July 17, 2020 prepared by Jacobs Engineering Group, Inc. (Study) considering structural and capacity needs, it is anticipated that the Newark Bay-Hudson County Extension Program (Program) will provide four travel lanes in each direction (as opposed to the two existing travel lanes per direction) from Interchange 14 to Interchange 14A, three travel lanes per direction from Interchange 14A to Interchange 14C and two travel lanes from Interchange 14C to the eastern terminus of the corridor at the intersection with Jersey Avenue. The Program will also include full width shoulders in each direction to efficiently accommodate the current and future traffic demand, allow maintenance of traffic flow during maintenance activities and provide access for emergency response vehicles during incidents that impede normal traffic flow. Implementation of the full Program is estimated to cost in excess of \$4.7 billion. This Program currently calls for the construction of four separate and independent Projects (See Figure 1).

Project 1 includes the replacement of the Newark Bay Bridge and its approach spans. It is anticipated to require federal approvals from the United States Coast Guard (USCG) under Section 9 of the Rivers and Harbors Act, and the United States Army Corps of Engineers (USACOE) under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, as well as several State-issued permits, and Federal Aviation Administration approval. Agency consideration of these federal permitting actions necessitates an environmental review in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., that can require the generation of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). Projects 2, 3 and 4 will not require federal agency permitting but are expected to require State-issued permits and approvals.

FIGURE 1: Proposed Project limits



Full engineering and environmental services will be required to undertake this assignment. In general, the required services will include the following: perform environmental investigations / studies; perform traffic studies; develop conceptual alternatives; prepare preliminary design plans; prepare an Environmental Impact Statement/Environmental Assessment in accordance with Executive Order No. 215; and undertake efforts necessary to comply with Executive Order No. 172 requirements (public hearing), as well as other ancillary activities for the total performance of this assignment. Details pertaining to the required services are contained in Section IV of the Attachment to the Request for Expressions of Interest.

Project background materials (as-built plans, bridge inspection 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 Lisa Navarro via e-mail at navarro@njta.com. The subject line should read "OPS No. T3820, Secure File Sharing Site Information."

EOI Submission Requirements

As a precaution against the spread of COVID-19, the Authority is temporarily suspending the requirements to submit hardcopies of the EOI. To be considered for these services, qualified Firms or prequalified Joint Ventures need to submit one copy of their EOI in PDF format through the Authority's Secure File Sharing site, and shall contain the following:

1. **Letter of Interest** not exceeding six (6) 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 services of those required for this assignment. Each project listed shall include a brief description of the project scope 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 RFEOI 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). The Project Manager shall be a licensed Professional Engineer in New Jersey.

c. Key Personnel's Qualifications and Relevant Experience

The Firm shall identify the Project Engineer and 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 related assignment experience of that individual. 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, and Reasonableness of Staffing Estimate

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

Reasonableness of Staffing Estimate

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 projects 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

The Firm shall affirm their commitment and ability to complete the proposed work as well as any outstanding work they currently have 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 Sub Consulting Goals

The Authority has adopted a Disabled Veteran Owned Business Enterprise Program (the DVOB Program). Under the program, Firms interested in submitting an Expression of Interest agree, if

selected, to make a good faith effort to award at least three (3) percent of the assignment to those businesses that meet the requirements and have been registered by the Division of Revenue & Enterprise Services/Department of Treasury as a Disabled Veteran Owned Business Enterprise.

Firms shall demonstrate how they will utilize DVOB Firms in order to achieve the 3% goal and add value to the project team.

The Authority has adopted a Small Business Enterprise Sub-Consultant's Program (the SBE Program). Under the SBE Program, Firms interested in submitting an Expression of Interest agree if selected to make a good faith effort to award at least twenty-five (25) percent of the assignment to those businesses that meet the requirements and have been registered by the Division of Revenue & Enterprise Services/Department of the Treasury as a Small Business Enterprise.

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. The organizational chart may be a maximum of one 11"x17" page.
3. **Resumes for the Project Manager and each Key Project team member**, (a maximum total of 8) detailing relevant experience and professional/technical qualifications. Include resumes of proposed subconsultants. 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 two 11" x 17" pages.
6. **Recent Authority Project Experience Forms** 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 form** (which is available on the Authority's website) 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.

As a precaution against the spread of COVID-19: in lieu of a notary public, the Authority will accept the following statement on the Affidavit of Eligibility/Disclosure of Material Litigation form above the signature line: "I certify, under penalty of perjury under the laws of the State of New Jersey, that the foregoing is true and correct". Hardcopy, signed and notarized forms will be required to be submitted at the request of the Authority.

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** form (which is available on the Authority's website) 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) the 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/DVOB Form – Proposed Schedule of Small Business Enterprise Participation and Disabled Veteran Owned Business Enterprises** (which is available on the Authority's website). Stating the Firm's intention to use SBE and DVOB Certified Firms as sub-consultants.
12. A completed **Disclosure of Investment Activities in Iran** form (which is available on the Authority's website). This form must also be submitted for prime and subconsultants
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). This form is required for the prime consultant only.

EOIs that are incomplete shall not be considered.

The required forms referenced in Items 6 through 14 above can be found on the Authority's website: www.njta.com under *Doing Business, Engineering Professional Services, Supplemental Forms*

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 on the State of New Jersey website <https://www.state.nj.us/ethics/docs/ethics/uniformcode.pdf>. By submitting an EOI, your Firm will be subject to the intent and purpose of said Code and to the requirements of the State Ethics Commission.

EOIs are limited to a total of fourteen (14), single-sided, letter size pages, comprised of the following: **Letter of Interest**, not exceed six (6) pages, **Resumes**, a maximum of eight (8), each of which shall be one (1) page. Pages in excess of these requirements will not be considered. This information shall be presented in an organized fashion and shall be categorized in accordance with the preceding submission requirements. Foldout sheets are permitted.

A brief transmittal letter along with the following forms and/or documents (listed below in the order in which they appear in this RFEOI), are **excluded** from the above referenced page count:

- Organization Chart
- Detailed Estimate of Work Hours
- Project Schedule
- Recent Authority Project Experience Form

- Affidavit of Eligibility/Disclosure of Material Litigation Form
- Disclosure Form - Outstanding Work with the Authority
- Commitments of Proposed Project Staff Form
- Certification of Staff Availability Form
- SBE/DVOB Form
- Disclosure of Investment Activities in Iran Form
- Vendor Source Disclosure Form
- Ownership Disclosure Form

The aforementioned fourteen (14) page limitation shall be increased to a maximum of twenty (20) pages, if the Consultant must exercise option 10C above. The additional six (6) 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 five (5) 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 shall be rejected.

Firms that are interested in being considered for these services must submit one (1) copy of the Expression of Interest in PDF format, to be received by the Authority no later than 2:00 p.m. on Tuesday, October 6, 2020. Expressions of Interest will be accepted through the Authority's Secure File Sharing site. Requests for access to this site shall be sent to Lisa K. Navarro, Supervising Engineer, Planning/Facilities Section of the Engineering Department at navarro@njta.com, no later than 10:00 a.m. on September 30, 2020 with the subject line "OPS No. T3820, Secure File Sharing Site EOI Submission Access." A response with information on how to access the secure workspace will be provided via e-mail no later than 2:00 p.m. on October 1, 2020. Expressions of Interest uploaded after 2:00 p.m. on Tuesday, October 6, 2020 will not be considered. Hard copies will **not** be accepted.

Inquiries

Inquiries pertaining to this RFEI are to be directed in writing to Lisa K. Navarro, P.E. Supervising Engineer, Planning/Facilities, New Jersey Turnpike Authority, via e-mail to navarro@njta.com. The subject line should read "OPS No. T3820, EOI Inquiry". **The deadline for inquiries is September 25, 2020.** The Authority will respond to all written inquiries received prior to the deadline. **Each inquiry will be stated and a written response provided. Responses will be posted on the Authority's website under *Doing Business, Current Solicitations* on or before September 29, 2020.** Consultants will be responsible for submitting their EOIs in accordance with the RFEI 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

Once the EOIs have been evaluated for completeness, the Authority will create a list of Firms that shall receive the Request for Technical and Sealed Fee Proposals. ("RFP"). 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 EOIs will serve as a method by which to create a list of Firms most highly qualified to perform the project, in accordance with N.J.A.C. 19:9-2.8(e), who will receive Requests for Technical and Sealed Fee Proposals.

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

RATING FACTORS	WEIGHT (%)	POINTS
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/DVOB Participation Goals	5	15
	100%	300

Following the review of the submitted EOIs, the Authority will request Technical and Fee Proposals from at least the top three (3) ranked Firms. All respondents will be notified at each stage of the EOI and RFP process, regarding their status.

All submittals required pursuant to P.L. 2005, Chapters 51 and 271, Executive Order 117 (2008) will be requested only after the RFP stage of this procurement, from the intended Awardee(s) only. This will include the combined CH. 51/Executive Order 117 Two-Year Certification and Disclosure of Political Contributions form (CH 51.1 R1/21/2009), and 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 all of which will be transmitted to the intended Awardee(s) by the Authority via mail or fax and are to be returned to the Authority within five (5) business days.

**Order for Professional Services
(OPS)**

Final OPS Documents shall consist of the Authority's Order for Professional Services Agreement (which is available on the Authority's website (http://www.njta.com/media/2928/ps_agreement_4_v5-17-2017.pdf), the RFP as well as the selected Firms submitted Technical Proposal and Final Negotiated Fee Proposal. These documents are listed in the order of priority in the event of a conflict.

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)

Business Registration
N.J.S.A. 52:32-44

The OPS will not be entered into by the Authority unless the Firm first provides proof of valid business registration in compliance with N.J.S.A. 52:32-44. Pursuant to this law the Firm is further notified that no subcontract shall be entered into by prime consultant unless the subconsultant first provides proof of valid business registration.

Attached please find additional information regarding EOI, RFP and project requirements.

Very truly yours,

ORIGINAL SIGNED BY

Robert J. Fischer, P.E.
Chief Engineer

RJF: LKN: km
Attachments

c: J. L. Williams
L. K. Navarro
Review Committee
File

ATTACHMENT

to the

Request for Expressions of Interest

Dated September 16, 2020

for

Order for Professional Services No. T3820
Preliminary Design and Environmental Services for
Newark Bay – Hudson County Extension

This attachment is incorporated into and made a part of the RFEOI.

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SECTION I
Prequalified and Eligible Consultants

AECOM Technical Services
Arora and Associates, P.C.
Atkins North America, Inc.
Boswell Engineering
Dewberry Engineers Inc.
Gannett Fleming, Inc.
Greenman-Pedersen, Inc.
Hardesty & Hanover, LLC
HNTB Corporation
Jacobs Engineering Group Inc.
Johnson, Mirmiran & Thompson, Inc.
Kimley-Horn and Associates, Inc.
McCormick Taylor, Inc.
Michael Baker International, Inc.
Mott MacDonald LLC
NV5, Inc.
Parsons Transportation Group, Inc.
Pennonni Associates, Inc.
Stantec Consulting Services, Inc.
STV Incorporated
T&M Associates
Taylor, Wiseman & Taylor
Urban Engineers, Inc.
WSP USA 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 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 and Rejection of EOIs and Proposals

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 EOI shall become a contractual obligation when 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 its EOI or Technical Proposal may result in cancellation of any OPS awarded by the Authority. 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.

Dissemination of Information

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

News Releases

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

Public Records

Any EOI, Technical Proposal or Fee Proposal submitted by a Firm 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 Firms may request the Authority's General Counsel to deem certain sections of its EOI 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	September 16, 2020
Deadline for Inquiries	September 25, 2020
Posted Responses to Inquiries	September 29, 2020
Deadline for Secure File Sharing Site EOI Submission Access Request	September 30, 2020
Submittal of Expressions of Interest	October 6, 2020
Request for Technical and Sealed Fee Proposals	October 21, 2020
Submittal of Technical Proposals	November 5, 2020
Notify Consultant of Need for Presentation	November 20, 2020
Presentation.....	November 24, 2020
Recommendation to Award OPS	December 22, 2020
Notice to Proceed	February 15, 2021
Administration Project Closeout	February 15, 2023

SECTION IV
Scope of Services

Introduction

The Authority's Capital Improvement Program provides for the implementation of necessary improvements of Authority assets that will promote highway safety and efficiency by providing for the facilitation of travel on the New Jersey Turnpike and Garden State Parkway. The New Jersey Turnpike's Newark Bay-Hudson County Extension (NB-HCE) has been determined to need operational and capacity improvements as well as structural improvements throughout the 8.1 mile corridor. Professional engineering services are required for engineering studies, preliminary design, and comprehensive environmental services for the widening of the entire corridor. The project limits extend from the Interchange 14, exclusive of the interchange itself, to the eastern end of the Authority's jurisdiction at Jersey Avenue in Jersey City, Hudson County.

Due to its significance and magnitude, it is important to highlight the proposed replacement of the existing bridge (Str. N2.01) over the Newark Bay which is structurally deficient and functionally obsolete. As part of Preliminary Design, it is expected that the proposed structure over the Newark Bay will require a significant structure type evaluation to satisfy the Authority as well as the NEPA process. While the Authority is investigating narrowing the navigable channel width, proposals related to this solicitation should assume the existing 550' channel width will be maintained as well as the

existing vertical clearance of 135' to the channel. The selected Consultant will need to support the Authority in discussions with the US Coast Guard and Army Corps of Engineers as determined necessary as the Program evolves.

An Environmental Impact Statement/ Environmental Assessment for this 8.1 mile corridor in accordance with Executive Order No. 215 requirements in addition to following NEPA rules for Project 1 will be required to document the preliminary engineering/environmental process undertaken and the basis for the selection of the recommended alternative to the environmental regulatory community. It is anticipated that various alternatives will need to be developed to support the environmental permitting that meets the project purpose and need. One of the studied alternatives will be selected as an Initially Preferred Alternative (IPA) for preliminary design. The IPA will need to be developed to the appropriate design level required to support the submission to the various environmental regulatory agencies. A recommended alternative was developed in the "Draft Needs Assessment and Alternative Study" dated July 17, 2020 prepared by Jacobs Engineering Group, Inc. (Study), which will serve as a starting point for the selected Consultant.

The scope of services to be performed shall be as generally set forth below.

1. Develop project mapping.
2. Perform supplemental traffic studies.
3. Develop conceptual alternatives.
4. Undertake environmental investigations/studies.
5. Prepare an Environmental Impact Statement/Environmental Assessment in accordance with E.O. 215 requirements and following NEPA rules for Project 1.
6. Perform preliminary engineering services.
7. Assist the Authority with the E.O. No. 172 Public Hearing process.

The Consultant will account for all project needs in their EOI. The Consultant is expected to submit an EOI based on the information presented herein, available reference material and sound professional engineering judgment and experience.

General

1. All services provided by the Consultant shall be in strict conformance with Authority requirements and standards of quality as may be found in the Procedures Manual, Design Manual, Standard Drawings, Sample Design Plans, CADD Standards, and Standard and Supplemental Specifications, all of which are available on the Authority's website.
2. The Consultant submitting an EOI shall be responsible for the thorough understanding of the project requirements, including all applicable codes, environmental permits, and regulations for all aspects of this project.
3. The Consultant shall perform all duties and responsibilities required for this assignment. For the purpose of this RFEOI the terms "Consultant" and/or "Firms" which are used throughout these documents, shall not only mean the Engineering Firm, but also joint venture consultants and/or subconsultants retained by

the Engineering Firm for this assignment.

4. It will be the Consultant's responsibility to bring to the attention of the Authority during the RFEOI process, or at the time during the submission of the EOI or Technical or Fee Proposals any errors, omissions or non-compliance discovered in the RFEOI and/or RFP. By neglecting to do so, the Consultant will be responsible to make any resulting changes without additional compensation if issued the OPS.
5. It is specifically noted herein that the document review process as described in the Authority's Procedures Manual by the Authority or its representatives is intended to be a review of the documents in a general manner. Comments shall not be construed to represent a comprehensive review or detailed check of the Consultant's work by the Authority or its representatives. It remains the Consultant's professional responsibility to prepare all documents in accordance with proper engineering criteria and sound professional engineering judgment.
6. The Consultant shall allow for a minimum four (4) week review period by the NJTA for each submission. The Consultant may, at its own discretion, proceed during the NJTA's review period on selected areas of the project. However, any delays caused by the NJTA's review process shall not be sufficient reason for a schedule extension.

Prior to all phase reviews the Consultant will perform a QA/QC review of the submission, submit one (1) complete set to the Authority's Design Liaison for advanced review and authorization to submit the phase review materials.

The Consultant will be required to submit the appropriate completed submission checklists along with any other submission documents identified by the Authority's Liaison. Failure to comply may result in rejection and resubmission of the entire phase review materials. Comment resolution of prior submissions must be complete prior to the next phase submission.

7. A Traffic Control Coordinator (TCC) shall be required where lane and half ramp closings are to be installed by the consultant or vendor as part of design or bridge inspection projects. A TCC will not be required for shoulder closings installed by the consultant or vendor. Refer to Specifications Subparagraph 801.03(A)(6) for TCC requirements and certification which shall apply to design and bridge inspection assignments involving lane and half ramp closings.

Detailed Scope of Work

A. DEVELOP PROJECT MAPPING

The Authority will provide 2017 aerial photography encompassing the project limits. The Consultant will be responsible for performing supplemental survey and developing base mapping for the project location in accordance with the latest Authority Procedures Manual and CADD standards. This will be necessary to refine the recommended alternative and develop more detailed assessment of critical items such as ROW and property acquisition needs, impacts to cultural and historic resources, contaminated property implications, etc.

B. ENVIRONMENTAL INVESTIGATIONS/STUDIES

The Consultant shall confirm and supplement the information included in the Study, including collect data pertaining to the project limits, and map existing environmentally sensitive areas and receptors. Environmental constraints which may impact the project should be quantified, presented in a tabular format, and identified on the maps. The inventory should include, but not necessarily be limited to, the following:

- a. Wetlands
- b. Streams and rivers
- c. Potential hazardous waste sites and historic fill
- d. Major air and noise sensitive receptors
- e. Cultural resources
- f. Public water supplies
- g. 100-year flood zones
- h. Soil suitability
- i. Community Resources and Demographics (Environmental Justice/Title VI)
- j. Open Space and Parklands

In addition to environmental constraints, the Consultant shall research and document other constraints such as existing or proposed utilities and land use constraints. Recommendations shall be made regarding major utility relocations and property acquisition requirements as determined to be necessary for any alternative being studied. Costs associated with the recommended alternative(s) must be developed as well.

A "Preliminary Environmental/Land Use Constraints Report" shall be prepared summarizing data collection techniques and the results of the study. The report should identify areas of special concern, any recommended additional studies and/or testing, the quantified impacts for each constraint, and identification of potential mitigation measures required (including costs).

Scoping meeting(s) shall be held with the NJDEP, United States Coast Guard and United States Army Corps of Engineers as appropriate after the environmental investigations have been completed.

The results of the environmental investigations will be utilized in the development of the Environmental Impact Statement/Environmental Assessment.

C. SUPPLEMENTAL TRAFFIC STUDIES

As part of the Study, various traffic studies were performed for the Authority to predict future traffic volumes and capacity requirements for each section of the roadway.

In order to be certain that the preliminary engineering effort is consistent with the capacity enhancements needed to ensure the long term operational needs of the roadway, it will be necessary for the Consultant to review the data and analysis performed in the Study and supplement the information as required. At a minimum, the Consultant, with prior approval by the Authority, shall contact the following entities to inquire

about and review any existing information they might have regarding existing and future traffic, and/or planned construction activities in the study region relating to transportation matters.

- New Jersey Department of Transportation
- Port Authority of New York and New Jersey
- North Jersey Transportation Planning Authority
- Impacted municipalities and counties
- Utility companies providing service to the area
- Railroad companies within the study area
- Developments along the coordinator, which generate significant traffic volumes
- Others as deemed appropriate

Future traffic volumes must account for anticipated future development. In addition, the future traffic volumes must address both a constrained and unconstrained condition on the entire NB-HCE roadway. It is anticipated that the various projects (1 – 4) along the corridor will be staggered.

Traffic data required for air and noise studies shall also be obtained in conjunction with these studies.

A "Traffic Analysis Report" providing a summary of the traffic data compiled and the detailed findings of the Traffic Study shall be prepared.

D. CONCEPTUAL PLAN DEVELOPMENT

Upon completion of the traffic and environmental studies, the Consultant shall prepare Conceptual Plans for the widening of the NB-HCE corridor. The recommended alternative in the Study will be reviewed by the selected Consultant and refined as appropriate.

The Conceptual Plans shall include the general arrangement of the additional lanes in each direction; reconfiguration of interchange ramps (if applicable); local road treatments; major utility relocations; preliminary cross sections; additional right-of-way requirements and preparation of key right-of-way parcels in accordance with the Authority's Procedures Manual if desired by the Authority; and the identification of areas of environmental concern. Cost estimates shall also be prepared as necessary for the Authority to assess the Conceptual Plans. The Conceptual Plans shall be prepared on 1"=100' scale aerial photography provided by the Authority. The Consultant should anticipate the need to develop multiple Conceptual Plans; in particular, various alternatives will be required relative to toll plaza, terminus, and structures. The Consultant shall outline the advantages and disadvantages of each alternative for the Authority's consideration. Recommendations relative to the various alternatives being considered will be expected from the Consultant. It should be anticipated that several of the alternatives will need to be submitted multiple times as necessary to incorporate the Authority's comments.

From this effort, including required meetings with Authority staff and stakeholders, an Initially Preferred Alternative will be selected. Coordination with stakeholders, such as NJDOT, Hudson and Essex counties, Jersey City and the City of Bayonne shall include development of Memorandums of Understanding to develop the framework for coordination for the Program.

E. PRELIMINARY DESIGN

After the Authority's approval of an Initially Preferred Alternative, the Consultant shall prepare a Preliminary Design for the proposed project. The Preliminary Design shall be developed at a scale of 1"=100' and shall include all efforts as outlined in the Authority's Design Manual for Preliminary Design.

The Preliminary Design shall be based upon the findings presented in the Traffic Analysis Report; the Preliminary Environmental/Land Use Constraints Report; and the Conceptual Plans, including incorporation of the Authority's comments. Additionally, the Consultant shall develop and implement a limited subsurface soil investigation program as necessary to verify the feasibility and major design assumptions pertaining to the recommended preliminary design scenario.

Due to its significance and magnitude, it is important to highlight the proposed replacement of the existing bridge (Str. N2.01) over the Newark Bay which is structurally deficient and functionally obsolete. As part of this OPS, it is expected that the proposed structure over the Newark Bay will require a significant structure type evaluation to satisfy the Authority as well as the NEPA process. While the Authority is investigating narrowing the navigable channel width, proposals related to this solicitation should assume the existing 550' channel width will be maintained as well as the existing vertical clearance of 135' to the channel. The selected Consultant will need to support the Authority in discussions with the US Coast Guard and Army Corps of Engineers as determined necessary as the Program evolves.

The Preliminary Design is to include, but not necessarily be limited to, the following:

- Field survey (as needed)
- Horizontal and vertical alignments (graphical)
- Typical and critical cross sections
- Modifications to existing interchange ramps and toll plazas (as appropriate)
- Selection of a structure type for Structure No. N2.01
- Earthwork computations
- Structure and utility relocations
- Noise Barrier limits
- Maintenance and protection of traffic, construction staging, provision for the continuous operation of speed limit and speed warnings signs, and provisions for the relocation of all fixed signing affected by construction activities
- Drainage modification including recommendations for stormwater quality, quantity, and recharge measures required per the new stormwater regulations
- Preliminary right-of-way acquisitions including block, lot, owner information, and approximate area of impact
- Estimate of construction quantities
- Preliminary signing layout

The Consultant shall prepare a "Preliminary Design Report" describing the Program. The report shall address the following items:

- Summary of results of the Traffic Study

- Summary of results of the Preliminary Environmental Study
- Review of the data collection process
- Review of design steps/procedures
- Design criteria utilized
- Special design consideration
- Constructability review including analysis of Maintenance and Protection of Traffic, material long lead item availability, major utility relocations, construction access, etc.
- Cost estimates for construction, including right-of-way acquisition, wetland mitigation and No-Net Loss Reforestation Act accommodations
- Identification of any problems or special concerns
- Recommendation for final design including a discussion regarding the feasibility of a phase design and construction approach assuming the Program will be managed as four (4) independent projects, each with their own timeline and construction contract coordination
- Recommendation regarding wetland mitigation and No Net Loss Reforestation Act requirements
- Identification of all permits anticipated to be required, including a white paper discussing the merits of early advancement of any or all permits.
- Program design and construction schedule

The information to be shown on the Preliminary Design Plans shall be as listed in the Procedures Manual.

F. ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL ASSESSMENT

The Consultant shall prepare an Environmental Impact Statement (EIS)/Environmental Assessment (EA) for submission to the appropriate regulatory agency, in accordance with the guidelines of New Jersey Executive Order No. 215. It is noted that Project 1 is expected to follow the NEPA process. The Initially Preferred Alternative presented in the EIS/EA shall be as developed during the preliminary design effort with the incorporation of all Authority comments. A separate Technical Memorandum shall be submitted to the Authority for review, which will identify all proposed mitigation measures and estimated costs for approval from the Authority prior to inclusion in the EIS. This document is to be revised according to the Authority's comments. The number of final copies of the EIS to be provided will be dependent on the environmental agency submission requirements. The Consultant will be required to address comments provided by the environmental agencies relative to the EIS if necessary. Preparation of the EIS will be considered complete when it has been approved by the Authority, NJDEP, US Coast Guard and US Army Corps of Engineers (as deemed appropriate). This approval will include receipt of a Conditional Approval from the NJDEP.

The Consultant shall attend all required meetings with the regulatory agencies and prepare any and all meeting materials required including agendas, presentations, white papers and presentation boards. Every effort possible shall be made during development of the improvements to minimize the overall permitting effort.

G. PUBLIC INVOLVEMENT

The Consultant shall assist the Authority in conducting the Public Hearing in accordance with the

guidelines set forth by New Jersey Executive Order No. 172. This shall include, but not necessarily be limited to, arrangements for a facility and virtual accommodations (if requested); preparation of all necessary exhibits; newsletters for display and notification; notification of all applicable parties; oral presentation of the preliminary design of the project and its environmental impacts at the Hearing; providing the public with all necessary information on the project during the entire hearing period; and preparation of a Public Hearing Report (preliminary and final) addressing all comments and concerns raised during the hearing period. The EIS/EA (revised as necessary) shall also be available for public review. A representative of the NJTA will preside over the Public Hearing.

H. REFINE PRELIMINARY DESIGN

Refine the Preliminary Design taking into consideration the comments and concerns identified through the Public Hearing process, and comments from the environmental regulatory agencies on the EIS/EA. It is expected that the design will be a workable, feasible scheme ready for development into final design.

I. PROJECT ADMINISTRATION

- a) Project Coordination – The Consultant shall coordinate its activities with Authority personnel throughout the course of this project. Early on, the Consultant shall establish a means of coordinating and reporting its activities with the Authority's Project Manager to ensure an expeditious exchange of information. The Authority shall be informed of all meetings with other agencies, government officials and/or groups so that Authority personnel can attend if necessary.

Throughout the duration of the project, the Consultant shall maintain a document control system recording the disposition of all documents associated with the project. The Consultant shall also prepare a detailed project schedule using Primavera software for activities to be completed. The schedule shall identify all submission dates, review times, major activities, durations, critical path items, interdependencies, etc., to complete the scope of service required for the project.

The Consultant shall work in harmony with any and all firms that have been and may be retained by the Authority for this project. The Consultant is responsible to the Authority for the work of its subconsultants.

The Consultant may be required to meet with representatives from Federal, State, County, Municipal, Utility and other private or public organizations or agencies, as necessary to effectuate the completion of work items. High level meetings will be attended by the Authority as required. Other meetings may be attended solely by the Consultant. The Consultant will prepare, in a timely manner, all memoranda of meetings attended with copies to the Authority, and others as appropriate. The Consultant is responsible for the preparation of all necessary displays, exhibits and like material as needed for any such meetings.

- b) Consultant's Project Manager - The Consultant's Managing Principal, the Consultant's Project Manager, and all subconsultant Project Managers assigned to this project shall possess a valid New Jersey Professional Engineers license and shall not be removed from the project without prior written approval

from the Authority's Chief Engineer or his representative. The Consultant shall also present to the Authority for approval, appropriate personnel to be assigned for the position vacated.

- c) Progress Reports - The Consultant will be responsible to prepare and submit monthly progress reports indicating percent of work complete by task, work completed in the last month, work to be performed, actions/decisions required by the Authority, and the status of the project's schedule and budget. Reports must be submitted on a monthly basis and shall coincide with the invoice submitted for the same time period. Progress reports shall contain monthly updates of the approved schedule prepared by the Consultant.
- d) Status Meetings – The Consultant will be required to attend monthly project status meetings throughout the duration of the project. These meetings are expected to occur at the Turnpike Authority's Engineering Department offices.
- e) Invoicing Requirements - All invoices shall be consecutively numbered and shall contain the Order for Professional Services No. T3820. Invoices will not be processed before the progress report for that month's activities have been submitted.

Invoices are required to be submitted on a monthly basis. They shall be submitted to the Authority within 15 business days of the cut-off date. The Consultant shall submit time sheet summaries. Individual employees' time sheets are not required, unless specifically requested by the Authority. Direct expenses shall be reimbursed in accordance with the expenses identified elsewhere in this document.

The Consultant shall immediately notify the Authority's Project Manager in writing if the percentage of fee earned exceeds the project percent complete. The Consultant shall implement at once the necessary adjustments and/or make recommendations to alleviate this condition. Failure to do so will put the Consultant at risk of having to absorb any costs beyond the authorized fee.

The Consultant shall be required to submit wage rates of personnel that will be working on the project to the Authority for approval.

The Authority reserves the right to, at any time and without notice, audit the Consultant or their subconsultants. All agreements and/or contracts between the Consultant and their subconsultants shall include specific language that provides the Authority the ability to audit the subconsultant at any time and without notice.

PROJECT DELIVERABLES

1. Preliminary Environmental/Land Use Constraints Report
2. Traffic Analysis Report
3. Conceptual Plans
4. Preliminary Design Plans and Report
5. Environmental Impact Statement (EIS)/Environmental Assessment (EA) and Technical memorandum
6. Refined Preliminary Design Plans and Report

In general, one (1) draft copy of each submission shall be provided to the Authority's Project Manager for review in advance of distribution within the Authority. After each submission is approved by the Project Manager, six (6) hard copies and (2) electronic copies shall be provided for the Authority's internal review. After the receipt and incorporation of comments, six (6) hard and two (2) electronic copies of each set of plans/report shall be provided, marked as final.

For the Conceptual Plans, it should be anticipated that several of the alternatives will need to be submitted multiple times as necessary to incorporate the Authority's comments.

For the EIS/EA, the above reflects the number of copies required by the Authority. The number of final copies of the EIS to be provided will be dependent on the environmental agency submission requirements.

For the Preliminary and Refined Preliminary Design Plans and Report, in addition to the number of copies listed above for each submission one (1) hardcopy and both electronic copies shall be in accordance with the Authority's color submission requirements as detailed in the Procedures Manual.

SECTION V
Staffing Estimate
 OPS No. T3820
Preliminary Design and Environmental Services for Newark Bay – Hudson County Extension

Hours/Tasks								
Classification (ASCE-Grade)	Management	Environmental Studies	Traffic Studies	Conceptual Plan Development	Preliminary Design	Environmental Impact Statement	Other Tasks	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. The Consultant shall modify and expand Classifications and tasks such as Mapping and Refined Preliminary Design, etc. as required to meet project needs.

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 Technical and Fee Proposals from the Firm(s) it deems most qualified.

The Sealed 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 for direct salaries times a multiplier not to exceed 2.8. The multiplier covers all overhead and profit. No expenses or costs shall be billed unless specifically included in this EOI Solicitation or Final Negotiated Fee Proposal. 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.

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;

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 estimate 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 proposed 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 estimate as shown in Section V.

Given the potential for out of scope activities to arise during the performance of this OPS, the Consultant is directed to include a 15% contingency of the burdened labor fee for "If and Where Directed Services" in their Fee Proposal. These contingency monies will be utilized only upon receipt of written notification from the Authority explicitly authorizing the use of these monies.

Direct expenses shall include approved subconsultant services, mileage, test pits, Utility Work Orders, vendor invoiced printing of phase submission documents, final documents, mylars, final plans in PDF format, meeting displays/exhibits, and permit application fees (if applicable). 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. 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 its convenience. This shall also apply to the Consultant's subconsultants.

SECTION VII
NEW JERSEY TURNPIKE AUTHORITY
SUBCONSULTING PROGRAM

Small Business Enterprise Program

It is the policy of the New Jersey Turnpike Authority (the "Authority") that Small Business Enterprises ("SBE") as determined and defined by the Division of Revenue & Enterprise Services ("Division") and the Department of the Treasury ("Treasury") in N.J.A.C. 17:13-1.1, have the opportunity to compete for and participate in the performance of consultant services. The Authority is seeking participation of these SBEs in the performance of certain Orders for Professional Services (OPS). Your Expression of Interest (EOI) must include either (1) evidence of meeting the 25% goal through the use subconsultants who are registered with the Division as a SBE, or (2) demonstration of a good faith effort, to meet the goal of awarding at least twenty-five (25%) percent of the total value of the OPS to SBEs. During the RFP portion of this procurement, as part of the fee negotiation process, Firms must submit proof of their subconsultants' SBE registration(s). In the event that a Firm cannot comply with the goal set forth above, prior to the time of the award, the Firm must demonstrate to the Authority's satisfaction that a good faith effort was made to accomplish the above stated goal.

After award of the OPS, in order for the Authority to monitor and report SBE participation during the course of the OPS pursuant to N.J.A.C. 17:13-4 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.

Disabled Veteran Owned Business Enterprise Program

It is the policy of the New Jersey Turnpike Authority (the "Authority") that Disabled Veteran Owned Business Enterprises (DVOBs) as determined and defined by the Division of Revenue & Enterprise Services ("Division") and the Department

of Treasury ("Treasury") in N.J.A.C. 17:14-1.1 have the opportunity to compete for and participate in the performance of consultant services. The Authority is seeking participation of these DVOBs in the performance of certain Orders for Professional Services (OPS). Your Expression of Interest (EOI) must include either (1) evidence of meeting the 3% goal through the use of subconsultants who are registered with the Division as a DVOB, or (2) demonstration of a good faith effort to meet the goal of awarding at least three (3) percent of the total value of the OPS to DVOBs. During the RFP portion of this procurement, as part of the fee negotiation process, Firms must submit proof of their subconsultants DVOB registrations. In the event that a Firm cannot comply with the goal set forth above, prior to the time of award, the Firm must demonstrate to the Authority's satisfaction that a good faith effort was made to accomplish the above stated goal.

After award of the OPS, in order for the Authority to monitor and report DVOB participation during the course of the OPS, the Consultant shall submit evidence of DVOB participation in a form acceptable to the Authority, with each invoice for payment. Invoices for payment submitted without the completed DVOB Form will not be processed.

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

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).

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 ("Executive Order 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 RFEOI 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 OPS 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 of 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 her 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.

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

Executive Order No. 117 (Corzine 2008) 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/Executive Order 117 and P.L., 2005, c. 271 forms. The **combined** Chapter 51/Executive Order 117 form and the Chapter 271 form are available on the Department of Treasury Division of Purchase and Property's website.

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) 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 and returned with your Firm's Expression of Interest (EOI).

SECTION XIII
Disclosure of Investment Activities in Iran

Pursuant to N.J.S.A. 52:32-58, the Firm must certify that neither the Firm, 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 Firm is unable to so certify, the Firm shall provide a detailed and precise description of such activities to the Authority. Each Firm (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" form which is available on the Authority's website 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.

Section XVI
ADA Indemnification

The Consultant and the Authority do hereby further agree that the provisions of Title II of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. §12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made a part of this OPS. In providing any aid, benefit, or service on

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

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

Section XVII

Diane B. Allen Equal Pay Act

Please be advised that in accordance with P.L. 2018, c. 9, also known as the Diane B. Allen Equal Pay Act, which was signed in to law by Governor Phil Murphy on April 24, 2018, a contractor performing “qualifying services” or “public work” to the State or any agency or instrumentality of the State shall provide the Commissioner of Labor and Workforce Development a report regarding the compensation and hours worked by employees categorized by gender, race, ethnicity, and job category. For more information and report templates see <https://nj.gov/labor/equalpay/equalpay.html>