

New Jersey Turnpike Authority

P.O. Box 5042, Woodbridge, NJ 07095



October 19, 2021

Document Change Announcement

2016 Standard Supplementary Specifications

Compliance Updates III

DCA2021SS-06

Subject: Revisions to

Section 102 Bidding Requirements And Conditions, Subsection 102.04 Familiarity with Work.
Section 102 Bidding Requirements And Conditions, Subsection 102.11 Causes for Rejection
Section 102 Bidding Requirements And Conditions, Subsection 102.16 Business Registration Act
Section 102 Bidding Requirements And Conditions, Subsection 102.20 Diane B. Allen Equal Pay Act
Section 105 Control Of Materials, Subsection 105.01 Materials
Section 106 Legal Relations And Responsibility, Subsection 106.19 Risks Assumed By The Contractor
Section 106 Legal Relations And Responsibility, Subsection 106.24 Small Business Enterprise Program
Section 106 Legal Relations And Responsibility, Subsection 106.27 Disabled Veteran-owned Business Program
Section 107 Prosecution And Progress, Subsection 107.02 Pre-Construction Meeting

Description of Change:

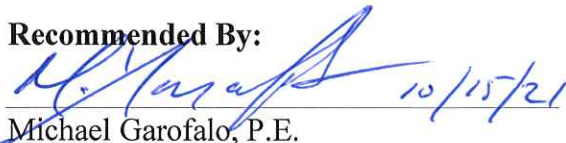
This DCA contains miscellaneous compliance updates.


Notice to New Jersey Turnpike Authority Staff and Design Consultants

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

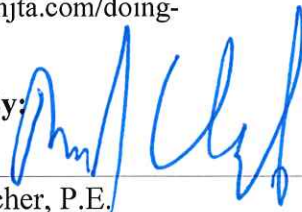
The revisions may be accessed on the Authority's webpage: <https://www.njta.com/doing-business/professional-services>

Recommended By:


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

NOTE: The following text REPLACES its respective Subsection in the latest version of the 2016 Standard Supplementary Specifications.

102.11 Causes for Rejection

The 2nd paragraph is deleted and replaced with the following:

Proposals may be rejected in accordance with law, including, but not limited to, (a) if conditions, restrictions or limitations are attached to a Proposal, (b) if the Proposal fails to conform to the essential requirements of the Contract Documents, (c) if the bid amount is in excess of Bidder's prequalification classification, (d) if the Proposal Guaranty is not verified on the internet by one of the Surety Registry Agencies listed in the Authority's Electronic Bidding software, (e) if the unit prices are unbalanced, (f) if competition has been suppressed, (g) if received from Bidders who have previously performed work for the State of New Jersey or the Authority in an unsatisfactory manner, (h) for non-conformance with "The New Jersey Prevailing Wage Act," N.J.S.A. 34:11 56.25 et seq. as amended and supplemented, (i) if more than one bid is submitted by the Bidder for the same contract, (j) if the bid is not submitted on the Authority's issued Proposal form, (k) for nonconformance with New Jersey Public Works affirmative action requirements, N.J.S.A. 10:5 31 et seq. as amended and supplemented, (l) for nonconformance with New Jersey ownership disclosure requirements, N.J.S.A. 52:25-24.2 as amended and supplemented, (m) if it is deemed advisable to do so in the best interests of the Authority, (n) if the Bidder is disqualified pursuant to Subsection 102.02, (o) failure to be registered pursuant to the Public Works Contractor Registration Act ("PWCRA") at the time of Proposal submission, (p) if the Proposal is unreasonable as to price, both as to Total Price and prices for individual line items as well, (q) for any reason set forth in 102.02, or (r) for any other reason allowed by law.

Replace the 3rd paragraph with the following:

The Authority reserves the right to waive any or all minor irregularities and technicalities in the submission of bidding documents, in accordance with law.

NOTE: The following tracked changes indicate REVISIONS to the latest version of the 2016 Standard Supplementary Specifications.

ADVERTISEMENT FOR PROPOSALS

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

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

CONTRACT AGREEMENT

THIS AGREEMENT made this _____ day of _____

in the year of our Lord, two thousand and _____

between the New Jersey Turnpike Authority, party of the first part, sometimes

hereinafter called Authority, and _____

party of the second part, sometimes hereinafter called Contractor.

...

In consideration of the ~~se~~ promises, the Authority hereby agrees to pay, as sole compensation for the performance of the Project, payments for the actual quantity of authorized work performed, as provided in the Specifications, at the prices for the Scheduled Items Of Work in the Proposal.

This Contract is to be binding upon the Authority, its successor or successors, and upon the Contractor and ~~its~~ heirs, executors, administrators, successor or successors, and is voidable and may be terminated by the Authority, in accordance with the Provisions of the Specifications, or if the provisions of the statutes relative thereto are not complied with.

102.04 Familiarity with Work

The following language is added:

The NJTA Standard Drawings are not included in the Contract ~~Plan-plan~~ documents provided to ~~Plan-plan~~ hHolders. The NJTA Standard Drawings are available at: <https://www.njta.com/doing-business/professional-services/standard-drawings>.

Standard NJDOT Construction Details are not included in the Contract ~~Ppplan~~ documents provided to ~~Plan-plan~~ Holdersholders. NJDOT Construction Details may be found at <https://www.state.nj.us/transportation/eng/CADD/v8/>.

102.16 Business Registration Act

Replace the 2nd paragraph with the following:

Proof of valid business registration with the State of New Jersey Department of the Treasury, Division of Revenue and Enterprise Services, shall be submitted by the successful Bidder prior to award of the Contract in the form of a valid Business Registration Certificate in compliance with N.J.S.A. 52:32-44, as amended. No Contract shall be awarded without proof of business registration with the Division of Revenue and Enterprise Services. Any questions with regard to obtaining a BRC can be directed to the Division of Revenue and Enterprise Services by visiting their website at <https://www.nj.gov/treasury/revenue/>. Failure to comply with the requirements of N.J.S.A. 52:32-44 will result in penalties per N.J.S.A. 54:49-4.1.

102.20 Diane B. Allen Equal Pay Act

Pursuant to N.J.S.A. 34:11-56.14(b), any employer, regardless of the location of the employer, who enters into a Contract with a public body to perform any public work for the public body shall provide to the Commissioner of the New Jersey Department of Labor and Workforce Development, through certified payroll records required pursuant to P.L.1963, c.150 (~~N.J.S.A.C. 34:11-56.25 et seq.~~), information regarding the gender, race, job title, occupational category, and rate of total compensation of every employee of the employer employed in the State in connection with the Contract. The employer shall provide the Commissioner, throughout the duration of the Contract or Contracts, with an update to the information whenever payroll records are required to be submitted pursuant to P.L.1963, c.150 (~~N.J.S.A.C. 34:11-56.25 et seq.~~).

105.01 Materials

The following is added before the first paragraph:

Contractor shall use products ~~and suppliers~~ listed on the QPL and shall adhere to Subsection 105.11 for approved equals and substitutions.

106.19 Risks Assumed by the Contractor

Replace the 1st paragraph with the following:

The Contractor assumes the following distinct and several risks, whether they arise from acts or omissions, and whether or not resulting from the negligence of the Contractor, its Subcontractors, suppliers, materialmen, employees, agents and all others working for the Contractor on the Project, or of the Authority, or of third persons, or from any other cause, and whether such risks are within or beyond the control of the Contractor, excepting only risks which arise from solely affirmative acts done by the Authority subsequent to the execution of the Contract ~~including, but not by way of limitation, with~~ actual and willful intent to cause the loss, damage and injuries described in Paragraphs (A) through (C) below.

106.24 Small Business Enterprise Program

In the first sentence of the first paragraph, delete "and N.J.A.C. 17:14-1.1 et seq., respectively."

106.27 Disabled Veteran-owned Business Program

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

107.02 Pre-Construction Meeting

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The Contractor, ~~his~~ ~~its~~ superintendent, or ~~his~~ ~~its~~ authorized agent shall be present at the meeting and shall present a list of proposed Subcontractors (if any), ~~a list of suppliers from whom materials are anticipated to be purchased~~, an executed application for a Traffic Permit to begin work at the site, two (2) copies of the Health and Safety Plan (HASP) and Safe Work Plans (SWP) that comply with the NJTA-HASP and requirements of a satisfactory HASP and SWP as set forth elsewhere in the Contract Documents, and other data as required by the Authority. The information so presented shall be on forms submitted to the Contractor with the notice of this Pre-Construction Meeting. Separate safety kickoff meeting, utility meeting, pre-concrete, pre-paving meetings, and/or other meetings may be scheduled when required by these Supplementary Specifications, or as needed.

NOTE: The version of the Standard Supplementary Specifications that is posted with this DCA also incorporates changes related to the list below. Designers shall adhere to these changes when adding non-standard language to the Supplementary Specifications.

1. Delete all supplier/distributor name and contact information. Names of products and manufacturers remain.
2. Update all references of "he" or "his" or "himself" in regards to the Contractor/Engineer to "it" or "its" or "itself", including Contract Agreement, Terms, etc.
3. Use "shall" when text regards the Contractor's responsibility.
4. Use "will" when text regards the Authority/Engineer's responsibility.
5. Add "The following Subsection is added:" before any new Subsection. (Same for Sections).
6. Capitalize Defined Terms, e.g.:
 - a. Working Drawings in 104.08,
 - b. Week Days in 104.11.
 - c. Contractor in 107.01,
 - d. Project in 107.02,
7. Uncapitalize non-defined terms like "safety kickoff meeting".
8. Update all Materials Subsection cross-references titles to match Division 900.
9. Update directions in the Supplementary Specifications to be consistent, e.g. use "The first paragraph is deleted and replaced with the following:" instead of "The first paragraph is revised as follows:"
10. Change "Department of Treasury" to "Department of the Treasury".