

New Jersey Turnpike Authority

P.O. Box 5042, Woodbridge, NJ 07095



August 11, 2022

Document Change Announcement

2016 Standard Supplementary Specifications

Certification of Non-Debarment

DCA2022SS-03

Subject: Revisions to

Section 102 Bidding Requirements And Conditions, Subsections 102.09 Submitting Proposals, 102.11 Causes for Rejection, 102.22 Certification of Non-Debarment

Description of Change:

This DCA incorporates a mandatory certification form to be completed by each bidder to indicate that they nor their affiliate(s) have not been debarred from federal contracts and thus are not debarred from Authority contracts, per N.J.S.A. 52:32-44.1. Respective specifications language is also updated.

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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Approved By:

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

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

SECTION 102 – BIDDING REQUIREMENTS AND CONDITIONS

102.09 Submitting Proposals

Delete this Subsection in its entirety and replace it with the following:

The Bidder shall submit a Proposal via Electronic Bidding. An authorized representative of the Bidder is required to digitally sign the Proposal. The Authority may reject Proposals that are not digitally signed by the authorized representative of the Bidder with an approved digital signature. More information on digital signatures are found on the Authority's Electronic Bidding website.

The Bidder is solely responsible for any and all errors and for timely submission of the bid, all components thereof, and all attachments thereto, through the Electronic Bidding system; the Authority assumes no responsibility for any claim arising from the failure of any Bidder or of the electronic delivery system to cause any bid, bid component, or attachment to not be delivered to the Authority on or before the time set for the opening of bids.

The following documents shall be submitted with the Proposal:

- (A) Scheduled Items of Work and associated bid prices.
- (B) Bidder's Certification indicating the authorized representative of the firm who is submitting the Proposal.
- (C) Acknowledgment of compliance of the Contractor's Business Registration as required pursuant to N.J.S.A. 52:32-44.
- (D) Disclosure Statement indicating firm ownership in compliance with N.J.S.A. 52:25-24.2.
- (E) Non-Collusion Certification.
- (F) Prequalification Certification.
- (G) The Proposal Guaranty, Consent of Surety, and Power of Attorney.
- (H) Acknowledgment of Addenda, if issued.

Additionally, the Authority requests the following documents be submitted with the Proposal:

- (I) Valid Public Works Contractor Registration certificate(s) for the Bidder, and all joint venture entities if applicable, pursuant to the requirements of Subsection 102.15.
- (J) Disclosure of Investment Activities in Iran form provided by the Authority, pursuant to N.J.S.A. 52:32-58.
- (K) Certification of Non-involvement in Prohibited Activities in Russia or Belarus Pursuant to P.L.2022, c.3 form provided by the Authority.
- (L) Certification of Non-Debarment form provided by the Authority, pursuant to N.J.S.A. 52:32-44.1.

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 non-conformance 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, if the Bidder is federally debarred pursuant to Subsection 102.22,~~ 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: All text herein is ADDED to the latest version of the 2016 Standard Supplementary Specifications.

The following Subsection is added:

102.22 Certification of Non-Debarment

Prior to the time a contract is awarded, pursuant to N.J.S.A. 52:32-44.1, the successful Bidder must certify that neither the successful Bidder, nor its affiliates are debarred at the federal level from contracting with a federal government agency. The Authority shall not make, negotiate, or award a contract to any successful Bidder that does not provide the above certification.

The Authority requests that all Bidders submit a copy of the form entitled "Certification of Non-Debarment Form" with their Proposal. Instructions on submitting the form may be found on the Authority's Electronic Bidding website.

In addition, all Bidders must register with the federal System for Award Management (SAM) prior to contract award. In order to comply with this requirement, Bidders must register in SAM at <https://www.sam.gov> and the Authority will verify the successful Bidder's registration in SAM prior to contract award.

NEW JERSEY TURNPIKE AUTHORITY ("NJTA")

CERTIFICATION OF NON-DEBARMENT FORM

NJTA Contract No: _____
Contract Name: _____
Contractor Name: _____
Contractor Address: _____

CERTIFICATION

Pursuant to N.J.S.A. 52:32-44.1, I, the undersigned, being duly authorized to complete this certification on behalf of the above-named Contractor, do hereby certify and attest, under the pains and penalties of perjury, that:

- The Contractor is not debarred at the federal level from contracting with the federal government;
- None of the parent entities, subsidiaries, related entities or affiliates of the Contractor set forth and identified below are debarred at the federal level from contracting with the federal government;
- I am authorized to execute this certification on behalf of the Contractor;
- I acknowledge that the NJTA is relying on the information contained herein;
- I acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contract(s) with NJTA to notify NJTA in writing of any changes to the information contained herein; and
- I acknowledge that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I will be subject to criminal prosecution, and such misrepresentation may be considered fraudulent, and/or a material breach of the Contractor's contract(s) with the NJTA.

If the NJTA finds a person or entity to be in violation of the law, it shall take action as may be appropriate and permitted by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and/or seeking debarment or suspension of the party.

Signature: _____
Print Name: _____
Title: _____
Date: _____

List of parent entities, subsidiaries, related entities, and affiliates:

1. _____
2. _____
3. _____
4. _____
5. _____

(Add additional sheets as necessary.)