

New Jersey Turnpike Authority

P.O. Box 5042, Woodbridge, NJ 07095



January 19, 2023

Document Change Announcement

2016 Standard Supplementary Specifications

Miscellaneous Updates

DCA2023SS-01

Subject: Revisions to

Advertisement for Proposals

Section 101 General Information, Subsection 101.02 Definitions

Section 102 Bidding Requirements And Conditions, Subsection 102.09 Submitting Proposals

Section 102 Bidding Requirements And Conditions, Subsection 102.10 Withdrawing Proposal

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Section 106 Legal Relations And Responsibility, Subsection 106.02 Laws and Ordinances

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Section 107 Prosecution And Progress, Subsection 107.11 Lane and Roadway Occupancy Charges

Section 108 Measurement And Payment, Subsection 108.01 Measurement of Quantities

Section 801 Traffic Control on Authority Roadways, Subsection 801.03 Methods of Construction

Description of Change:


This DCA adds two (2) new Proposal forms: Vendor Source Disclosure Form and Set-off for State Tax Form. Also, this DCA addresses miscellaneous corrections and clarifications to words and statements in the Specifications.

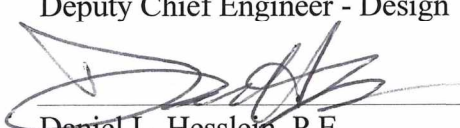
Notice to New Jersey Turnpike Authority Staff and Design Consultants

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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NOTE: Tracked changes herein indicate REVISIONS to the latest version of the 2016 Standard Supplementary Specifications.

ADVERTISEMENT FOR PROPOSALS

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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 et seq.) prior to submitting bids to the Authority.

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The deadline to submit proposals is [insert time]* o'clock Prevailing Time on the morning/afternoon of [insert date]* at which time proposals will be downloaded by the Authority from the Bid Express website and said proposals will be publicly opened and read. Any addenda that may be issued will be issued at least three (3) business days prior to the deadline to submit proposals as set forth above. The deadline for request for questions, interpretations or corrections is five (5) business days prior to the deadline to submit proposals as set forth above.

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101.02 Definitions

(B) Terms.

Health and Safety Plan <u>(HASP)</u>	A written plan or plans that outline the safety management systems that will be used by the Contractor to control losses at their job sites.
Safety Representative <u>(SR)</u>	The term refers to the person hired by the Contractor to be responsible for the management of all the Contractor's safety matters. The Safety Representative shall possess appropriate credentials as determined by the Authority and shall have successfully completed the 30-hour course given by OSHA in Construction Safety and Health. The Chief Engineer or his designee may accept other safety certifications or safety training in lieu of the above.

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)(C)~~ Disclosure Statement indicating firm ownership in compliance with N.J.S.A. 52:25-24.2.
 - ~~(E)(D)~~ Non-Collusion Certification.
 - ~~(F)(E)~~ Prequalification Certification.
 - ~~(G)(F)~~ The Proposal Guaranty, Consent of Surety, and Power of Attorney.
 - ~~(G)~~ Acknowledgment of Addenda, if issued.
 - ~~(H) Disclosure of Investment Activities in Iran form provided by the Authority, pursuant to N.J.S.A. 52:32-58.~~
 - ~~(I) Source Disclosure Form, pursuant to the requirements of Subsection 102.23.~~
 - ~~(H)(I) Set-Off for State Tax Form, pursuant to N.J.S.A. 54:49-20.~~
- Additionally, the Authority requests the following documents be submitted with the Proposal:
- ~~(H)(K)~~ 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)(A) Disclosure of Investment Activities in Iran form provided by the Authority, pursuant to N.J.S.A. 52:32-58.~~
 - ~~(K)(L)~~ Certification of Non-involvement in Prohibited Activities in Russia or Belarus Pursuant to P.L.2022, c.3 form provided by the Authority.
 - ~~(M)~~ Certification of Non-Debarment form provided by the Authority, pursuant to N.J.S.A. 52:32-44.1.
 - ~~(L)(N) Certification of Business Registration as required pursuant to N.J.S.A. 52:32-44.~~

102.10 Withdrawing Proposal

Delete the 2nd paragraph and replace it with the following:

Any Bidder attempting to withdraw a Proposal after the opening of bids for any reason, including an alleged unilateral mistake by the Bidder, may be subject to disqualification from submitting bids on Projects for a period not to exceed twelve (12) months, and on such terms as the Authority may determine.

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) if the Bidder is federally debarred pursuant to Subsection 102.22, (r) failure to submit a completed Disclosure of Investment Activities in Iran form pursuant to Subsection 102.18 at the time of Proposal submission, or (s) for any other reason allowed by law.

102.18 Disclosure of Investment Activities in Iran

This Subsection is deleted and replaced with the following:

Prior to the time a contract is awarded deadline for submission of Proposals, pursuant to N.J.S.A. 52:32-58, the ~~successful~~ Bidder must certify that neither the ~~successful~~ Bidder, 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 the 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 ~~successful~~ Bidder is unable to so certify, the Bidder shall provide a detailed and precise description of such activities to the Authority. The ~~successful~~ Bidder shall certify under penalty of perjury, date and return to the Authority the completed form entitled "Disclosure of Investment Activities in Iran" as set forth in the Proposal.

The Authority requests requires that all Bidders submit a copy of the form entitled "Disclosure of Investment Activities in Iran" prior to bid. Instructions on submitting the form may be found on the Authority's Electronic Bidding website.

102.21 Prohibited Activities in Russia or Belarus

Prior to the time a contract is awarded, pursuant to P.L.2022, c.3, codified at N.J.S.A. 52:32-60.1, the successful Bidder must certify that neither the successful Bidder, nor one of its parents, subsidiaries, or affiliates may have engaged in prohibited activities in Russia or Belarus.

102.23 Source Disclosure Form

Pursuant to N.J.S.A. 52:34-13.2, all services performed under the Contract or performed under any Subcontract shall be performed within the United States. All parties seeking business under the Contract shall disclose the origin and location of the performance of their services that are the subject of the Contract. Each Bidder shall return to the Authority with its Proposal a completed, dated and certified Source Disclosure form. Instructions on submitting the form may be found on the Authority's Electronic Bidding website.

106.02 Laws and Ordinances

Delete the fourth paragraph and replace with the following:

The parties to this Contract agree to incorporate into the Contract the mandatory language of N.J.A.C. 17:27-3.6, N.J.A.C. 17:27-3.8, and N.J.A.C. 17:27-7.4 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, N.J.S.A. 10:5-31 et seq., and the Contractor or Subcontractor agrees to comply fully with these regulations.

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,".

Delete the first sentence of the first paragraph and replace it with the following:

In accordance with Executive Order No. 84 signed by Governor Jim Florio on March 5, 1993 and Executive Order No. 71 signed by Governor James E. McGreevey on October 2, 2003, it is the policy of the New Jersey Turnpike Authority (the "Authority" or "NJTA") that Small Business Enterprises ("SBE"), as determined and defined by the State of New Jersey, Department of Treasury, Division of Minority and Women Business

Development ("Division") and the Department of the Treasury ("Treasury") in N.J.A.C. 17:13-1.1 et seq. have the opportunity to compete for and participate in the performance of contracts for the purchase of goods and services and for construction services required by the Authority.

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Delete the eighth paragraph and replace it with the following:

If the Contractor, for any reason, at any time during the course of the Contract, intends to make any additions, deletions or substitutions to the list of firms on the "SBE/DVOB Participation Schedule" form submitted to the Authority, the Contractor shall notify the Authority in writing of such proposed changes and shall submit a revised "SBE/DVOB Participation Schedule" form from the Authority's website to the Authority for each such proposed change. Any such proposed changes must comply with the requirements and procedures set forth in Appendix X.

107.11 Lane and Roadway Occupancy Charges

The second paragraph is deleted and replaced with the following:

The Authority's Road User Cost Manual and Lane Occupancy Charge Worksheet are available on the Authority's website (<https://www.njta.com/doing-business/professional-services/publications> <https://www.njta.com/doing-business/professional-services>).

108.01 Measurement of Quantities

The following language is added to the end of this Subsection:

The complete identity and description of each Pay Item included in the Contract will appear in the Plans on the sheet titled "Estimate of Quantities."

801.03 Methods of Construction

(A) General Provisions

(1) State Police Authority

Delete the first paragraph and replace it with the following:

Traffic on Authority roadways is under the direct supervision and control of the New Jersey State Police who will enforce all statutory laws including the Authority's established Regulations under the Subchapter titled "Traffic Control On, And Use Of, New Jersey Turnpike Property", as they pertain to the Contractor as well as to the traveling public. The regulations can be found on the Authority's website <https://www.njta.com/about/regulations-and-policies>. The Contractor shall become familiar with and adhere strictly to the requirements of these Regulations.