

March 6, 2023

To: ALL CONSULTANTS

**Subject: REQUEST FOR EXPRESSIONS OF INTEREST
ORDER FOR PROFESSIONAL SERVICES NO. A3934
2023 COMMUNICATION TOWER INSPECTION**

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

Profile Codes	Descriptions
A130	Communication Systems Tel/Radio/Microwave/Fiber Optic
D280R	Bridges, NBIS Program, Routine

Attached (see Attachment A) 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 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, or in certain cases for no more than 12 months. Only those Firms who have been prequalified for the specified profile codes this project entails will be considered. Prequalification is not required for subconsultants. Prequalification is required for Joint Ventures.

The Authority has adopted a Disabled Veteran Owned Business (DVOB) Enterprise Program (the DVOB Program). Under the DVOB Program, Firms interested in being considered for this OPS agree 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 shall also be seeking participation of Small Business Enterprises (SBE) as subconsultants. The project goal is 25% SBE participation to New Jersey Businesses (see Subsection B2).

The following attachments are incorporated into and made part of the RFEOI:

- Attachment A – EOI Submission Requirements (A1 through A7); and
- Attachment B - RFEOI Standard Information (B1 through B14)

This solicitation is for professional services required to inspect and provide individual inspection reports for nine (9) communication towers located between Milepost 13 to 90 along the New Jersey Turnpike Mainline, Newark Bay-Hudson County Extension (NBHCE) and Pearl Harbor Memorial Turnpike Extension (PHMTE), and fifteen (15) communication towers located along the Garden State Parkway between Milepost 13 to 166.

Staff Qualifications

Key project personnel shall possess specific relevant experience specialized in tower engineering and inspection projects and TIA-222-H tower structural analysis. Resumes and organizational chart submitted must clearly demonstrate that key staff members, including structural engineers and certified tower climbers, are qualified to provide all essential tower engineering and inspection services and technical abilities. Also, key project personnel shall possess relevant training and experience demonstrating 1) Communication Tower Inspections and report submittals; 2) tower climbing inspection. Project Managers and Team Leaders must meet the requirements outlined in the "Qualifications of Key Bridge Inspection Personnel" document on the Authority's website at <http://www.njta.com/doing-business/njta-bridge-inspect-program> under the heading "Bridge Inspection Program" and as summarized on the NJTA Bridge Inspection Qualification Summary Form QAF3 – Quality Assurance Audit: Technical Managers Qualifications Review Checklist (QAF3 Form). The QAF3 form is included within Appendix B of the NJTA Bridge Inspection Program Quality Management Plan. These factors will be critical elements in the selection process.

The specific services for this solicitation can be found in *Subsection A3, "Scope of Services" attached herewith.*

Project Description

The assignment involves inspection of nine (9) communication towers located between Milepost 13 to 90 along the New Jersey Turnpike Mainline, NBHCE and PHMTE, and fifteen (15) communication towers located between Milepost 13 to 166 along the Garden State Parkway. The work shall encompass inspections to tower structures, foundations, equipment, equipment shelters, electrical and lighting systems, antennas, and other appurtenances; inventory of all antennas and other appurtenances with their locations, types, and sizes; structural analysis of the communication tower using software that complies with ANSI/TIA-222-H standard issued by ANSI/TIA, and preparation of draft and final inspection reports (one report per tower) using the Authority's Bentley AssetWise Inspections software. See Subsection A7 for the list of communication towers.

Project background materials (*studies, reports, etc.*) will be available for review electronically through the Authority's Secure File Sharing site (Kiteworks) in the "*Background Materials*" folder. Access to the secure workspace 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 King F. Lee., P.E. via e-mail at klee@njta.com. The subject line should read "OPS No. A3934 Inspection of Communication Towers, secure file sharing site information."

Submission Requirements for Expression of Interest

Firms that are interested in being considered for these services must submit a total of **five (5)** copies of their Expression of Interest (EOI), no later than **10:00 AM on March 27, 2023**. EOIs are to be submitted as follows: **One (1)** PDF copy uploaded to the Authority's Secure File Sharing Site (**Kiteworks**); as well as **four (4)** hard copies, delivered to the Authority's Headquarters on or before the date and time referenced above.

Late submissions will not be considered.

EOI's shall be addressed to:

Hand or Overnight Delivery

New Jersey Turnpike Authority
1 Turnpike Plaza
Woodbridge, NJ 07095
Attn: Engineering Department, Structure Design
King F. Lee, P.E., Project Engineer

U.S. Mail

New Jersey Turnpike Authority
P.O. Box 5042
Woodbridge, NJ 07095-5042
Attn: Engineering Department, Structure Design
King F. Lee, P.E., Project Engineer

Access to the secure folder(s) in Kiteworks for this OPS will be limited to each Consultant team and NJTA staff (by invitation from Kiteworks). All required submissions are to be uploaded as one PDF document to the appropriate folder for the submission type (e.g., EOI, Fee Proposal), and shall be in accordance with the following naming convention: (OPS #_EOI/Fee/ Firm Name). To gain access to Kiteworks, firms should email Jennifer Romero at jromero@njta.com with the following information in the subject line: "OPS No. A3934 Kiteworks Access".

Inquiries

Inquiries pertaining to this RFEOI are to be directed in writing to King F. Lee, P.E. via e-mail to klee@njta.com. **The deadline for inquiries is March 15, 2023.** The Authority will respond to all written inquiries received. 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 March 17, 2023.** Consultants will be responsible for submitting their EOIs in accordance with the RFEOI 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

A consultant selection will be made from the EOIs that are received on time and are deemed complete. EOIs that are incomplete may not be considered. 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 short list of Firms most highly qualified to perform the project, who will receive requests for Fee Proposals.

The EOIs will be evaluated and ranked based on 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 DVOB and SBE Participation Goals	5	15
	100%	300

Following the review of the submitted EOIs, the Authority will request Fee Proposals from Firms it deems the most qualified and will commence negotiations with such technically qualified Firms in the order ranked. All respondents will be notified at the completion of the review process regarding their status.

All submittals required pursuant to N.J.S.A. 19:44A-20.25 (P.L. 2005, c.51), superseding Executive Order 134 (2004); N.J.S.A. 19:44-20.26 (P.L. 2005, c.271s.2); and Executive Order 117 (2008) will be requested 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 and are to be returned to the Authority within five (5) business days from receipt.

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, the RFEOI, the selected firm's EOI, as well as the selected firm's submitted Final Negotiated Fee Proposal. These documents are listed in the order of priority in the event of a conflict.

Consultants shall be required, at their own expense, to provide ALL insurance coverages as more fully set forth in the applicable OPS Agreement.

Attached please find additional information regarding EOI and project requirements. The Attachments, which are incorporated into and made part of this RFEOI, include: Attachment A and Attachment B.

Very truly yours,

ORIGINAL SIGNED BY

Michael Garofalo
Chief Engineer

MG:KFL:ms
Attachments

c: L.T. Malak
W. Wilson
Review Committee
File

ATTACHMENT A
Supplemental Information

Subsection No. and Title

- A1. EOI Submission Requirements
- A2. OPS Procurement and Project Schedule
- A3. Scope of Services
- A4. Staffing Estimate
- A5. Compensation Basis
- A6. Prequalified and Eligible Consultants
- A7. Communication Tower List – TPK and GSP

Subsection A1
EI Submission Requirements

To be considered for these services, qualified Firms, including Joint Ventures must submit their EOI which shall contain the following (unless otherwise noted):

1. **Letter of Interest** comprised of 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 its 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 subconsultants experience on similar projects.

The Firm shall provide information on past projects which it has performed that demonstrate similar service 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 RFEI 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). Unless otherwise noted, the Project Manager shall be a licensed Professional Engineer.

c. Key Personnel's Qualifications and Relevant Experience

The Firm shall identify the Project Engineer and/or 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 the related assignment experience. 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 it fully understands 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 it fully understands 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 Staffing Estimate the workhours required for this assignment, including any work anticipated to be performed by subconsultants. The staffing schedule shall follow the guidelines set forth herein and sample in Subsection A4.

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 the project's 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 its 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 its 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 workload 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 DVOB and SBE Participation Goals

The Authority has adopted a Disabled Veteran Owned Business (DVOB) Enterprise Program (the DVOB Program). Under the DVOB Program, Firms interested in being considered for this OPS agree 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 also adopted a Small Business Enterprise Subconsultant's Program (the SBE Program). Under the SBE Program, Firms interested in being considered for this OPS agree 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.
3. **Resumes for the Project Manager and each Key Personnel team members**, 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 staffing estimate** 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.
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 subconsultant.
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 subconsultants 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.

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 subconsultants shall be submitted. State "none" on the form if Firm, joint venture or subconsultant 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 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 where 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** stating the Firm's intention to use SBE and DVOB Certified Firms as subconsultants.
12. A completed ***Disclosure of Investment Activities in Iran** form.
13. A completed **Certification of Non-involvement in Prohibited Activities in Russia or Belarus** form pursuant to N.J.S.A. 52:32-60.1 et seq. (P.L.2022, c.3).
14. A completed **Vendor Source Disclosure** form.
15. A completed **Ownership Disclosure Form**, pursuant to N.J.S.A. 52:25-24.2.
16. ***Business Registration Certificate.**

* Form is **required** from the successful firm (and all subconsultants) **prior to award** of the OPS.

The required forms referenced in Items 6 through 16 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, 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 ten (10), single-sided, letter size pages, comprised of the following: **Letter of Interest**, not exceed five (5) pages, **Resumes**, a maximum of five (5), 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.

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 Staffing Estimate
- Project Schedule (a maximum of 2 pages) – foldout sheets are not permitted
- 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
- Certification of Non-involvement in Prohibited Activities in Russia or Belarus

- Vendor Source Disclosure Form
- Ownership Disclosure Form

The aforementioned page limitation shall be increased to a maximum of sixteen (16) 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 EOI unless they are required to do so in accordance with Option 10C. When appropriately included in the EOI, the proposed alternative staffing information shall be contained in a separate attachment 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, non-responsive, incomplete and may be rejected.

Subsection A2
OPS Procurement and Project Schedule

Posted.....	March 6, 2023
Deadline for Inquiries	March 15, 2023
Posted Responses to Inquiries	March 17, 2023
Submittal of Expressions of Interest	March 27, 2023
Recommendation to Award OPS	May 2023
Notice to Proceed	July 2023
Project Completion	December 2024

Subsection A3
Scope of Services

I. GENERAL

1. The Consultant shall be responsible for the thorough understanding of the project requirements including the applicable codes and regulations governing the inspection. The Consultant shall become familiar with the New Jersey Turnpike Authority's (Authority) procedures, presentation and coordinating requirements for the effective performance of the project.
2. It will be the Consultant's responsibility to bring to the attention of the Authority, in the Request for Expression of Interest, or during preparation of the Expression of Interest, any errors, omissions or non-compliance discovered in this "Scope of Services" section. By neglecting to do so, the Consultant will be responsible to make any resulting scope of services changes without additional compensation.

II. PROJECT COORDINATION

A. Authority Coordination:

1. The Consultant shall coordinate its activities with Authority personnel throughout the course of this OPS. Early on, the Consultant will establish a means of coordinating and reporting its activities with the designated Authority Liaison Engineer 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.
2. All correspondence, invoices and transmittals for the project shall be referenced by the Authority's Order for Professional Services Number and description.
3. The Consultant will be required to submit two (2) different monthly schedules/reports as follows:
 - Invoice Progress Report - The Consultant will be responsible to prepare and submit a separate monthly progress report and progress schedule indicating percent complete by task, corresponding to the Invoices. Invoices shall be submitted and received by the Authority's Engineering Department within 15 calendar days of the end of each billing period. Standard reporting forms in MS Excel will be provided by the Authority at the project's kick-off meeting.
 - Submission Schedule – The Consultant shall submit a tower inspection and report submission schedule which includes but may not be limited to the following fields: Inspection Date, Firm / Team Leader, Draft Report Submission, Final Report Submission, and Comments. The Bridge Inspection Program Technical Manager will provide a template in Excel at the kick-off meeting. The initial schedule shall be submitted within 30 days of receipt of the template. Monthly updates are required to be submitted by the 7th of each month.
4. The Consultant shall notify the Authority's Liaison Engineer immediately, if and when the percent fee expended exceeds the project percent complete. The Consultant shall implement at once the necessary adjustments and/or make recommendations on how to alleviate this condition. Failure to do so will put the Consultant at risk of having to absorb any costs above and beyond the authorized fee.
5. Invoices are required to be submitted on a monthly basis.
6. The Consultant shall submit the names of the personnel in the inspection teams, along with their resumes, and NHI and other relevant training certificates, for approval by the Authority. The Consultant shall complete the QAF3 forms for all roles listed as "Key Personnel". The Authority's Liaison Engineer shall have the right to approve the number, qualifications and performance of the Consultant's personnel and to have the Consultant remove any such personnel from the project who are not approved or licensed/certified as required, or who fail to perform satisfactorily. The Consultant shall not remove approved personnel assigned to the project without the written approval from the Authority. Certificates shall be in PDF format with the following naming convention: "Firm Last First # year" ("ABC Smith Jane 130092 2012.pdf"). For acceptable Non-NHI courses such as the PennDOT thirteen (13) day bridge inspection course, use "Firm Last First #Equiv year" ("Bridge Associates Johnson Edward 130055Equiv 1999.pdf"). All files shall be submitted in one general folder or directory, not broken up into folders/subfolders. Certificates and completed QAF forms shall be submitted at the kick-off meeting.

B. Quality Management and Coordination with Bridge Inspection Program Technical Manager Consultant:

Immediately following Notice to Proceed, the Consultant shall submit a Project-Specific Quality Control/Quality Assurance (QA/QC) Plan for Authority's approval which clearly explains how its firm-wide Quality Management Program translates into the quality process for this assignment. The QA/QC Plan shall identify credentialed QA/QC personnel and their roles, and explicitly outline measures to be followed throughout the duration of the assignment, including the management of subconsultants and their work. The submittal shall include the forms used by the Consultant to document the QA/QC process for review

and approval by the Authority. If the forms are not found acceptable or the Consultant does not have forms available, then use of the Authority's QAF-5 form detailed in the current New Jersey Turnpike Authority Structure Inspection Quality Management Plan shall be used. The completed forms should be retained by the Consultant and available for review upon the Authority's request. The Consultant is entirely responsible for the quality of submittals in this inspection assignment and will be monitored by the Authority on a continued basis for adherence to the approved QA/QC Plan. Should it be determined that incomplete or erroneous reports are being submitted, then the Consultant will be required to convene a meeting with the Authority to review the deficiencies and propose an action plan to bring the reports to established standards.

It is noted that general overview of the 2023 Communication Tower Inspection will be performed by the Authority's Bridge Inspection Program Technical Manager Consultant (Technical Manager) to ensure accuracy, consistency and completeness in inspection data collection and entry, inspection report format and content. The Technical Manager will be responsible for unscheduled field audits for compliance of inspection personnel and procedures, review of select draft inspection reports and limited audits of Bentley AssetWise Inspections (AWI) data entry. A kick-off meeting will be scheduled with the Consultant, the Authority's Liaison Engineer and the Technical Manager to discuss inspection procedures, personnel, report format, inspection forms, schedule and submittals.

The Authority's Liaison Engineer and the Technical Manager may arrange coordination meetings with the 2023 NJTA Communication Tower Inspection Consultants to establish consistent inspection procedures, coding guidelines, and report format. The Consultant shall include two (2) half day coordination meetings at the Authority's Administration Building in the estimate of work hours in the EOI and Fee Proposal.

III. REGULATIONS AND GUIDELINES TO BE FOLLOWED, BUT NOT LIMITED TO:

A. New Jersey Turnpike Authority (NJTA)

NJTA Standard Specifications 2016
Design Manual
Standard Drawings
Structural Repair Programs
Category A Repair Procedures
Authority Deficiency Category Definitions
Bridge Inspection Security Measures
AssetWise Inspections Online Help System
Manual for Traffic Control in Work Zones
NJTA Structure Inspection Quality Management Plan, current version

B. Structure Nomenclature/Inspection Methodology

Federal Highway Administration (FHWA)

Bridge Inspectors Reference Manual, December 2006
Guidelines for the Installation, Inspection, Maintenance and Repair of Structural Supports for Highway Signs, Luminaries and Traffic Signals, March 2005
National Bridge Inspection Standards, 23 CFR Part 650, January 2005

American National Standard Institute (ANSI) / Telecommunications Industry Association (TIA)

ANSI/TIA-222-H
ANSI/TIA-322

International Building Code (IBC)

2018 International Building Code, New Jersey Edition

American Society of Civil Engineers (ASCE) / Structural Engineering Institute (SEI)

ASCE 7-16

Occupational Safety and Health Administration (OSHA)

Commercial Diving Operations Standards, 29CFR Part 1910 Subpart T

- C. Concrete Deficiencies

American Concrete Institute (ACI)

Guide for Conducting a Visual Inspection of Concrete in Service, 2008, ACI 201.1R-08

- D. Steelwork/Paint Deficiencies

Association for Materials Protection and Performance (AMPP)

IV. GENERAL REQUIREMENTS AND CONDITIONS

- A. The Consultant shall defend, indemnify, and hold harmless the Authority, its Commissioners, Directors, officers, employees and agents from liability of any nature or kind arising out of any act or omission of the Consultant or any person, Firm or corporation employed by the Consultant in connection with the work.
- B. The Consultant shall not assign this OPS, sublet, or transfer any part of the work or obligations hereunder, without the prior written approval of the Authority.
- C. The Consultant shall comply with all Federal and State laws applicable for the work to be performed under this OPS.
- D. The Consultant shall furnish specialized equipment as needed to perform communication tower inspections. Reimbursement for special inspection equipment will be made as a direct expense.
- E. Reimbursement for any additional cost incurred by the Consultant due to circumstances beyond the control of the Consultant, such as down time for bad weather, shall be approved by the Authority's Liaison Engineer. The Authority's Liaison Engineer will have sole discretion in determining if circumstances, and therefore compensation for additional work and expenses, are beyond the control of the Consultant.
- F. The Consultant shall retain legal responsibility for all inspection work, which shall in general follow the latest standards including all the applicable codes and regulations governing the inspection and practices of the Authority.
- G. The Consultant shall obtain a traffic permit prior to performing any work on the Authority's Right of Way.
- H. Miscellaneous Work

The Consultant shall provide in the EOI and Fee Proposal an additional 150 hours and \$25,000 in direct expenses for structural mapping to confirm member sizes and subsurface investigations to confirm foundation types and locations, and soil properties required for the analysis as directed by the Authority.

The Authority's Liaison Engineer may require additional information with regard to a reported deficiency by the Consultant, the Authority's Maintenance Department and/or another party. The required information may consist of a survey or sketch with photographs and recommendations for corrective action. Depending on the deficiency, the Consultant may be required to provide design services. The design services may consist of preparing calculations, providing details and specifications, and developing cost estimates.

Explicit written authorization must be received from the Authority's Liaison Engineer in order to charge time to each task, prior to commencement of the work. The Consultant will be requested to provide an estimate of hours and cost, in writing, related to each special assignment under consideration for prior approval.

- I. All team leaders shall notify the Authority and Technical Manager of their location via email on a daily basis. Email template shall be provided to each consultant and subconsultant at the kick-off meeting.

V. SPECIFIC PROJECT SERVICES

A. Inspection Scope

- a. The Consultant shall review previous tower inspection reports and available "As-Built" plans of the assigned tower structures.
- b. Perform a close visual inspection by climbing of the entire tower for each of the assigned tower structures to determine the following:
 1. The condition of the tower and the tower site.
 2. The condition and adequacy of the climbing and safety apparatus.
 3. Deterioration, which affects the capacity of any structure, shall be brought to the Authority's attention immediately.
- c. Perform the inspection considering data and history furnished by the Authority relating to the structures. Take extensive photographs of any deterioration or defects to substantiate the findings. All climbing of the cell tower shall be performed by qualified and certified tower climbers with rope access training (SPRAT) and completed in accordance with OSHA requirements, using an approved dual lanyard safety harness which is continuously (100 percent) tied off to the structure at all times:
- d. Perform inspection according to the checklists in the Annex J of the TIA/EIA-222-H standard and the following:
 1. **Foundation:**
 - i. Those portions of foundations above ground shall be checked for cracks, spalls, settling and tilting. Particular attention shall be given to anchorage locations. The area surrounding the foundation shall be checked for erosion.
 - ii. For guyed towers, anchor foundations shall be checked as described in "i" above as well as for signs of lateral movement.
 - iii. In case of lack of foundation information, a soil investigation and non-destructive foundation test shall be performed to facilitate the required foundation analysis. If soil investigation and non-destructive foundation test are needed, it will be considered Miscellaneous Work.
 2. **Tower Structure:**
 - i. Tower structure shall be checked for loose and missing bolts and nuts. Loose bolts shall be tightened.
 - ii. All steel members and welds shall be checked for cracks, bends and corrosion. Welds with suspected cracks shall be tested with dye penetrant and photographed. Tubular members shall be measured utilizing an ultrasonic thickness gauge to prepare As-Built tower drawings if they are not available or incorrect. On tubular members, weep holes shall be checked and cleaned as needed.
 - iii. Tower paint and other protective systems shall be checked.
 - iv. Measurement shall be taken to determine if the structure is plumb within acceptable tolerances. Determine tower twist and out-of-plumb deflections. The wind speed at the time of measurement shall be recorded.
 - v. For guyed towers, each guy wire and its associated hardware shall be inspected. The tension with the guy wire shall be measured and compared with the required tension. The temperature and wind speed at the time of measurement shall be recorded.
 - vi. Inventory mapping of all appurtenances shall be performed at all towers and shall be utilized to verify and document all equipment currently mounted on the tower to support tower

modeling and structural analysis. A structural analysis shall be performed for all tower structures, including anchor rod analysis, structural mount analysis, and foundation analysis. Structural mapping was performed for all towers approximately 10 years ago and can continue to be used for modeling and analysis, provided there are no observed changes (i.e. structural modification and/or reinforcement, incorrect member sizes, etc.) to the towers since that time, and based upon visual inspection. If changes are observed during the inspection, then a new structural mapping should be performed. If structural mapping is needed, it will be considered Miscellaneous Work.

- vii. Actual field measurements of member sizes, connection, and structure geometry shall be taken to confirm as built information for the towers to be structurally analyzed. The Authority does not guarantee the accuracy of any "As-Built" plans available for the project. CONSULTANT shall verify actual field conditions as they pertain to analysis requirements.

3. **Climbing and Safety Equipment:**

- i. Climbing apparatus and hardware shall be inspected for damage, corrosion and loose or missing components.
- ii. Climbing apparatus shall be investigated for functional adequacy as well as conformance to OSHA/PEOSHA requirements.

4. **Equipment Shelter:**

- i. Equipment shelters shall be inspected with respect to the following:
- ii. Structural condition, weather proofing, internal lighting, security and occupant safety.
- iii. Identify and record any obsolete and non-operating systems.

5. **Lighting System:**

- i. All burned-out beacons, sidelights and strobe lights shall be brought to the attention of the Authority.
- ii. The lighting system photo control shall be checked for proper operation. Beacons shall be checked for flash rate and on-time/off-time ration in accordance with FCC rules.
- iii. Beacons and sidelights shall have their lenses, gaskets and wiring checked.

6. **Grounding:**

Tower legs, guy wires, fences, equipment shelters, and lighting systems shall be checked for proper grounding. The condition of the grounding apparatus as well as its adequacy for safety and lightning protection shall be evaluated.

7. **Electrical System:**

Conduit, junction boxes and security hardware shall be inspected. Weep holes shall be checked and cleared if necessary. Conduit vent screens shall be removed and cleaned. Conduits shall be checked for proper attachment to the cell tower.

8. **Security Fence:**

All tower sites have erected security fences (either industrial type or pedestrian decorative type). The Consultant shall inspect all fence elements including the gates and locks for damages and report any defects found.

9. **Appurtenances:**

Appurtenances shall be inspected for defects including but not limited to corrosion, dents or damage. Mounting hardware shall be checked for tightness and missing parts/bolts.

10. **Photographs:**

The Consultant shall take photos of each antenna nameplate and record the type (cell, dish, panel, whip, etc.), model name, number, height, customer, and its location on the tower. Cleaning of the nameplate may be required in order to read the information. If the information on the name plate is faded/worn/illegible, the Consultant shall make field measurement for the size of the antenna. All firms submitting an EOI shall elaborate on how the measurement will be taken. The Consultant shall input or update (NJ Turnpike (TPK) / Garden State Parkway (GSP) towers) this information into the Appurtenance Summary Table form in AWI. In addition to the above, the following information shall be recorded on the Additional Appurtenance Data form: manufacturer, size, azimuth, frequency, type of mount/conduit and if a maintenance agreement is available. The Consultant shall also take general photos for the following elements:

- i. Digital photographs of all individual appurtenances, and hardware mounted to the tower from the climbers' perspective or drone perspective, if drone is used. Reference all photographs in the report with ascending numbering from top to bottom (Appurtenance 1 at top starting with leg of face A as noted on the site plan).
- ii. Digital photograph views of the entire tower from three (3) viewing angles at ground level.
- iii. Digital photographs of non-destructive test(s) performed and other equipment used during inspection.
- iv. Digital photographs of the condition of all grounding (Tower legs, cable ground bar, perimeter fencing).
- v. Digital photograph of all stand-alone generators (include KW rating and fuel type – gasoline, diesel, propane, natural gas) or external generator plug in port on the NJTA equipment shelter. Document the absence of any generator.
- vi. Digital photograph of the current security control and condition (chain locked gate, barbed wire, fencing type (wooden, chain link, PVC, etc.)).
- vii. Digital photograph of all cable port entries.

B. **Drones**

The Authority will consider the use of unmanned aircraft systems (UAS, or Drones) to supplement the close visual climbing inspection. Hands-on inspection of suspect areas is still required if needed. The drone inspections, if authorized, shall not be piloted above active traffic.

If Consultant decides to use a drone to supplement the close visual climbing inspection, the Consultant shall not include additional hours in their staffing estimate under the task to perform tower inspection for managing or executing drone activities. All hours associated with drone activities for this assignment shall not be considered unanticipated services. The consultant's fee proposal shall only include expenses required to use the drone and be listed as a direct expense which requires approval of the project engineer.

Prior to performing the drone flights, the Consultant shall attend a planning meeting with representatives from Authority's Engineering, ITS, Operations Department, and NJ State Police (NJSP). The Consultant shall prepare and submit an "Operation Overview" document for distribution. This document shall provide a summary of the locations, staging, and access requirements; the mobilization details; the flight plan and flight details; and a list of the on-site supervising personnel. A sample copy of such document will be provided at the kick-off meeting.

The drone inspection will be performed by employing a drone equipped with a high-resolution camera to record still images and video footage of the tower structural components and connections and all individual antennas and other appurtenances, and hardware mounted to the tower from different vantage points while hovering around the tower. Those still images and video footage are then viewed onscreen by the Team Leader in the field to ensure all images were captured properly and to identify any defects, deficiencies,

and/or anomalies which may require immediate attention. The quality of the obtained footage would permit the Team Leader to zoom into the images and view them as clearly as if they were positioned at each one in-person.

The Consultant shall make every effort to minimize the visually limited locations due to shadowing and/or camera angle experienced during the flight. Considerations shall be given to modifications to the flight paths, timing, and drone positioning to overcome those shortcomings.

The drone inspection procedures shall follow the strict guidelines set forth in Part 107 of the FAA rules. Pilots flying under the Part 107 small UAS rule (i.e. Drones weighting less than 55 lbs.) **must be currently certified** as a remote pilot with a small UAS rating.

The pilot in command shall ensure that persons at the site during the small UAS operation are informed about the operating conditions, emergency procedures, contingency procedures, roles and responsibilities, and potential hazards.

The drone should meet or exceed the following:

- Have a "vision system" that provides the ability to sense and avoid objects while airborne and operating at speeds of less than 31 mph.
- Have a GPS / GLONASS system installed and operating.
- The on-board camera should have sufficient resolution and/or optical zoom to capture images of all the antennas, other appurtenances, and defects.

C. Tower Inspection Report

Prepare tower inspection survey reports in the following format:

1. **Report Cover**

The report cover includes the tower location (municipality), milepost, tower survey cycle number, and the month and year of the tower survey.

2. **General (Structure Data) Section**

The data sheet output contains: Tower Location (district #, city and county), GPS coordinates (longitude, latitude), milepost number, tower, owner, year built, inspection date, inspection cycle, firm performing the inspection and Team Leader, overall tower condition, estimated repair cost, structure type and height, type of foundation, type of lighting protection, type of climbing apparatus, year last painted and condition of paint.

3. **Antenna Systems/Appurtenance Information Section**

The data sheet contains such information as antenna type, location and owner of each antenna. TPK towers already have previous cycle data. The Consultant shall update the date. GSP towers do not have previous cycle data. The Consultant shall manually transfer the data from the previous cycle hardcopy reports and update.

4. **Conclusions and Recommendations**

- a. This section will give conclusions based on the field inspection, ratings of the adequacy of the tower and an explanation of the causes of any inadequacies. The recommendations shall include a listing of all critical and safety repairs required to preserve or restore the element. A photo reference number shall be provided with each recommendation. The photo shall show the defects or deterioration and the caption shall clearly state the deficiencies depicted. An explanation of how the repair will be made, and why it is needed (if not obvious) will be given. Possible causes for the observed deterioration should be discussed in this section along with remedies to prevent deterioration from recurring once repairs are made.

- b. A statement on the following should be included in every report:
- i. A statement on the tower structure related to condition of members and hardware.
 - ii. A statement on the tower site safety features whether they do or do not meet current standards.
 - iii. A statement on if the recommended repairs affect the structural integrity of the tower.
 - iv. A statement on the adequacy of the tower analysis (structural ratings).
 - v. A statement on the work done since the previous inspection.
 - vi. A statement on the appurtenances and connections.
 - vii. A statement on the twist/sway and plumbness.
 - viii. A statement on the foundation(s) and guy tension readings when applicable.
 - ix. A statement on the connection and adequacy of grounding and lighting protection.
 - x. A statement on the electrical system.
 - xi. A statement on the condition and adequacy of the tower lighting when applicable.
 - xii. A statement on the condition of the tower site including equipment shelters and appurtenances.

D. Cost Estimate:

A cost breakdown of the recommended repairs shall be given. Documentation shall be given for each item such as quantity and unit price. Lump sum amounts shall be avoided whenever possible. The year the cost estimate is based on shall be stated.

E. Photographs:

A minimum of twenty (20) digital photographs (4" X 6" prints) shall be included on photo quality paper in each report. They shall include views of the tower structure, foundation, guy system, climbing ladders, equipment building, antennas, other appurtenances, grounding system, lighting system, the top of the tower and items requiring repair.

F. Drawings:

In addition to a site plan, plumbness plan, and cable layout plan, an updated elevation view showing the tower configuration; dimensions; leg, bracing and bolt schedule (including material types); type and location of antennas and other appurtenances; shall also be provided by the Consultant (As-Built condition). If CADD files are not available, the Consultant shall prepare all new CADD sketches using MicroStation. The Consultant shall name each tower CADD MicroStation file with tower name, TPK/GSP milepost, drawing type, and date.

G. Field Notes:

Field note input forms and output report sections are part of the AWI NJTA Communication Tower report. The format of the field note forms will be similar to that contained in previous cycle reports with minor updates to the forms including additional data fields to be evaluated for many of the component groupings (see Sample Report in Reference Material).

H. Tower Inspection Reports:

1. Report Submission

The Consultant shall submit a draft report for each tower to the Technical Manager. An initial group of format reports will be pre-selected for review based on the Consultant's submitted

inspection schedule and shall cover all different types of towers. In addition to the format reports, all the draft reports will be reviewed by the Technical Manager. The comments from the reviewed draft reports shall be incorporated to all reports as applicable.

The Consultant shall bundle draft submissions into groups of approximately 4 to 5 reports with 5 group submissions to follow the initial format report submission and review. The submission groups shall be included in the consultant's Master Inspection and Report Submission Schedule for the Authority's approval. Draft reports shall be submitted in electronic format (pdf) generated by the AWI software. The Technical Manager will establish a location through the Authority's Secure File Sharing site (Kiteworks) to upload the reports.

2. Deliverables for Final Reports

Hard copies of reports are not required to be submitted. Tower inspection report files shall be provided as PDF files on CDs, DVD, flash drive or other acceptable media to the Authority at the end of the project as well as uploaded to AWI under the **NBIS** file type. Each of the reports shall be named (GSP or TPK)_AntennaTowerInspectionReport_Structure Name.file extension. Examples include "GSP_AntennaTowerInspectionReport_13.9SBSwainton.pdf", and "TPK_AntennaTowerInspectionReport_23.1Woobury.pdf". All reports shall be placed together in one folder or subfolder set up specifically for inspection reports only. Working files for the PDF's included in the Inspection Reports (uploaded as report sections/PDF attachments), structural analyses (input files), CADD sketches, etc. shall also be included under a separate folder titled "Working Files" and uploaded to AWI under the **Files** file type.

I. Authority Deficiency Category Definitions

The Consultant shall review and adhere to the Authority's Critical Finding Repair Procedures, for the reporting of potential Category A deficiencies.

To identify the severity of the deficiencies and prioritize the necessary repairs to help in planning for future Contract improvements, the deficiencies and conditions noted in the inspection reports shall be identified within one of the following Authority stipulated repair categories:

CATEGORY A "Priority Work"

Deficiencies that require prioritized attention with prompt notification given to the Authority. For such findings, a Category A report is prepared and issued with one of the below subcategories based on urgency and criticality.

A1 (Emergency)

Critical findings in the tower that, if not repaired immediately, could lead to partial or total collapse of the tower, equipment falling from the tower, or an immediate safety hazard to the travelling public.

Included are defects such as those listed below for guyed, self-supported lattice, and monopole towers:

- Crack in a primary load carrying steel member
- Broken or severely corroded (typically > 30% section loss) supporting guy wires
- Missing bolts in leg flanges or connections to primary load carrying members leading to instability or differential movement of connected elements under service loads
- Damaged and/or improperly anchored antenna mounts or radomes
- Tower analysis ratings revealing a demand to capacity ratio greater than 125% for any rated element of the tower (based on existing conditions and including section loss)
- Soil bearing concrete foundation with substantial undermining which is leading to tower instability

A2 (Priority)

Major defects noted which are recommended for necessary repair in the near future as they pose a potential safety concern to the travelling public or could lead to significant load restriction or partial collapse of the tower.

Included are defects such as those listed below for guyed, self-supported lattice, and monopole towers:

- Loose waveguides and cables
- Tower analysis ratings revealing a demand to capacity ratio greater than 100% and less than 125% for any rated element of the tower (based on existing conditions and including section loss)
- Inoperable tower warning beacons

A3 (Non-Structural)

Issues noted which are recommended for repair before or within the next regularly scheduled contract as they pose a potential safety concern to the travelling public.

Included are defects such as those listed below for guyed, self-supported lattice, and monopole towers:

- Loose and/or corroded safety-climb cables

CATEGORY B “Contract Work”

The following repairs involve repair work or alterations that are considered highly extensive or require special expertise, equipment, or methods, and are therefore regarded as Specialized Contract work:

Guyed, self-supported lattice, and monopole towers:

- Damaged and/or improperly secured antenna mounts or radomes that do not currently exhibit the potential for imminent failure
- Replacement/adjustment of antenna brackets (Authority-owned)
- Replacement/upgrade of grounding
- Replacement/installation of lightning rod
- Painting of tower

Cable bridge, equipment shelter(s) and site security:

- Replacement of cracked or severely corroded members of the cable bridge
- Repair/upgrade site-security lighting
- Replacement of antenna (Authority-owned)

CATEGORY D “Maintenance Work”

Deficiencies noted which can be repaired most expeditiously by the Authority’s Maintenance Staff.

This category encompasses routine maintenance, housekeeping, and repair work that includes:

Cable bridge, equipment shelter(s) and site security:

- Remove overgrown vegetation
- Repair minor erosion near the tower foundation
- Install RF hazard warning signs
- Maintain working first aid kits, eye washing stations and fire extinguishers in the equipment shelter
- Clean and paint or replace the equipment shelter’s corroded siding
- Remove improperly stored items on site and in the equipment shelter
- Electrical repairs, including repair of damaged or insufficient grounding wiring (including shelter halo for equipment grounding)
- Damaged safety fencing
- Inoperable site security lighting
- Loose or damaged antenna (Authority-owned)

CATEGORY E “Monitor”

Noted deficiencies or conditions that are considered actively developing and may be recommended for contract work, but require monitoring until the condition has been remedied. This monitoring would involve an increased inspection frequency and/or level of detail through routine or interim inspections.

This category covers conditions deemed structurally significant. Defects in this category include the following:

Cable bridge, equipment shelter(s) and site security:

- Steelwork corrosion
- Surface scaling, spalling, or deterioration of the concrete foundation
- Anchor bolt corrosion
- Loose anchor bolt nuts/washers

Subsection A4

Staffing Estimate

OPS No. A3934

2023 Communication Tower Inspection

Classification (ASCE-Grade)	Task 1 Mobilization	Task 2 Tower Inspection	Task 3 Draft Reports	Task 4 Final Reports	Task 5 Tower Structural Analysis	Task 6 Miscellaneous Work	Total Hours
Project Manager ()						30	
Team Leader ()						50	
Inspector/ Engineer ()						50	
Junior Engineer ()						20	
CADD Technician ()							
Other-Specify ()							
Total Hours						150	

Note: The above chart is intended to act as a guide. The Consultant shall modify and expand Classifications and tasks as required to meet project needs.

Subsection A5
Compensation Basis

The Consultant will be responsible for paying all tolls.

Following a review of submitted Expressions of Interest, the Authority will request Fee Proposal(s) 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 and 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 subconsultants.

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 Proposal. 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 Subsection A4.

Given the potential for out-of-scope activities to arise during the performance of this OPS, the Consultant is directed to include a 10% contingency of the burdened labor fee for "Unanticipated 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 only mileage, printing of inspection reports (including the costs of regular paper, colored paper, dividers, covers, photo pages, bindings, labels, and plastic covers), railroad flagging and inspection services, railroad and utility permits/insurance, rental cost for communication tower inspection equipment (including Drone, structural mapping, soil investigation, and non-destructive foundation test), MPT costs, fuel and repairs for rented

inspection equipment or TMAs, Authority approved safety vests, tolls charged by other agencies as required to access Authority bridges, and expenses associated with the unanticipated assignment task, with prior written approval by the Authority. The Consultant shall provide the estimated direct costs for these items in the Fee Proposal. Mileage will be paid at the prevailing rate. Mileage will be reimbursed for travel between the field office and the job site and return. 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.

Subsection A6
Prequalified and Eligible Consultants
A130

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| 1. Advantage Engineering Associates, P.C. | 11. Jacobs Engineering Group Inc. |
| 2. AECOM Technical Services | 12. Johnson, Mirmiran & Thompson, Inc. |
| 3. Arora and Associates, P.C. | 13. Kimley-Horn and Associates, Inc. |
| 4. Atkins North America, Inc. | 14. M&J Engineering, P.C. |
| 5. Churchill Consulting Engineers, PC | 15. Michael Baker International, Inc. |
| 6. Dewberry Engineers Inc. | 16. NAIK Consulting Group, P.C. |
| 7. E2 Project Management, LLC | 17. Parsons Transportation Group, Inc. |
| 8. French & Parrello Associates, P.A. | 18. STV Incorporated |
| 9. Gannett Fleming, Inc. | 19. Tectonic Engineering & Surveying Consultants P.C. |
| 10. H2M Associates, Inc. | |

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| 1. Advantage Engineering Associates, P.C. | 18. KS Engineers, P.C. |
| 2. AECOM Technical Services | 19. LS Engineering Associates Corporation |
| 3. AI Engineers, Inc. | 20. M&J Engineering, P.C. |
| 4. Arora and Associates, P.C. | 21. MAKES Engineers, PC |
| 5. ATANE Engineers, Architects and Land Surveyors, P.C. | 22. McCormick Taylor, Inc. |
| 6. Atkins North America, Inc. | 23. McLaren Engineering Group |
| 7. Boswell Engineering | 24. Michael Baker International, Inc. |
| 8. Buchart-Horn, Inc. | 25. Mott MacDonald LLC |
| 9. CDM Smith Inc. | 26. MP Engineers, P.C. |
| 10. Churchill Consulting Engineers, PC | 27. Naik Consulting Group PC and KS Engineers, PC |
| 11. CME Associates | 28. NAIK Consulting Group, P.C. |
| 12. Dewberry Engineers Inc. | 29. Parsons Transportation Group |
| 13. Gannett Fleming, Inc. | 30. Pennoni Associates, Inc. |
| 14. Greenman-Pedersen, Inc. | 31. Pickering, Corts & Summerson, Inc. |
| 15. Hardesty & Hanover, LLC | 32. PKB Engineering, P.C. |
| 16. IH Engineers, P.C. | 33. PRIME AE Group, Inc. |
| 17. Johnson, Mirmiran & Thompson, Inc. | 34. Remington & Vernick Engineers |

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| 35. SJH Engineering, P.C.
36. Stantec Consulting Services, Inc.
37. STV Incorporated
38. T&M Associates
39. T.Y. Lin International | 40. Traffic Planning and Design, Inc.
41. TranSystems Corporation
42. Van Cleef Engineering Associates, LLC
43. W.J. Castle P.E. and Associates P.C.
44. WSP USA Inc. |
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Subsection A7

Communication Tower Listing - TPK

No.	Milepost	Name	Tower Types
1	N3.5	Interchange 14A (Bayonne)	225' Self-Supported
2	13.2	Swedesboro (TMD1)	150' Self-Supported
3	23.1	Woodbury (Turkey Hill Road)	225' Self-Supported
4	37.1	Moorestown (TMD2)	225' Self-Supported
5	P3.2	Interchange 6A (Florence Morrison)	150' Self-Supported
6	Off Site	West Trenton Lehigh (State Police)	150' Self-Supported
7	71.3	Cranbury (State Police)	150' Self-Supported
8	83.3	Interchange 9 (East Brunswick)	155' Self-Supported
9	90.0	Interchange 11 (Woodbridge)	180' Self-Supported

Communication Tower Listing - GSP

No.	Milepost	Name	Tower Types
1	13.9S	Swainton	92' Self-Supported
2	19.4S	Cape May	160' Self-Supported
3	28.8S	Great Egg	150' Self-Supported
4	44.0N	Port Republic	192' Self-Supported
5	84.1N	Toms River	200' Self-Supported
6	95.2S	Manasquan	200' Self-Supported
7	103.9N	Asbury Toll Plaza	150' Self-Supported
8	116.0N	Telegraph Hill #2 (West)	180' Self-Supported
9	125.9N	Raritan	25' Self-Supported
10	129.0	Woodbridge (TMC)	225' Self-Supported
11	142.8	Union	160' Self-Supported
12	150.7S	Essex	100' Self-Supported
13	153.3N	Bloomfield	225' Self-Supported
14	160.4N	Bergen	80' Guyed
15	165.5N	Paramus	165' Self-Supported

ATTACHMENT B
Standard Supplemental Information

Subsection No. and Title

- B1. Administrative and Agreement Information
- B2. Small Business Enterprise and Disabled Veteran-owned Business Programs
- B3. 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)
- B4. State Contractor Political Contributions (N.J.S.A. 19:44A-20.25 (P.L. 2005, c.51), superseding Executive Order 134 (2004); N.J.S.A.19:44-20.26 (P.L.2005, c. 271, s.2) and Executive Order 117 (2008))
- B5. Set-Off for State Tax (N.J.S.A. 54:49-19)
- B6. Office of State Comptroller Right to Audit (N.J.A.C. 17:44-2.2)
- B7. Source Disclosure Certification (N.J.S.A. 52:34-13.2, Executive Order 129)
- B8. Disclosure of Investment Activities in Iran (N.J.S.A. 52:32-57(a) and N.J.S.A. 52:32-56(e)(3))
- B9. Certification of Non-involvement in Prohibited Activities in Russia or Belarus (N.J.S.A. 52:32-60.1 et seq. (P.L. 2022, c.3))
- B10. Antidiscrimination Provisions (N.J.S.A. 10:2-1)
- B11. Standards Prohibiting Conflicts of Interest Executive Order 189 (1988 - Kean)
- B12. ADA Indemnification Act
- B13. Diane B. Allen Equal Pay Act
- B14. Business Registration Act

Subsection B1
Administrative and Agreement Information

Professional Corporation

Incorporated Firms that have not filed a copy of a Certificate of Authorization, with the Authority must include a copy of the Certificate with the EOI. Professional service corporations established pursuant to the "Professional Service Corporation Act," N.J.S.A. 14A:17-1 et seq. (P.L. 1969, c. 232), 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 website 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 EOIs may become a contractual obligation, if, in fact, 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 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 or to negotiate with any proposer in accordance with applicable law.

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 RFEEOI 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 attachments of its EOI containing personal, financial or proprietary information non-disclosable, which determination shall be in accordance with such Act.

Subsection B2
Small Business Enterprise and Disabled Veteran-owned Business 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). The Firm's Expression of Interest (EOI) must include either (1) evidence of the use of subconsultants who are registered with the Division as an 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 subconsultants who are registered with the Division as an SBE. 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. 17:13-5.2, 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 that submitted higher than acceptable fee estimates; and
7. Consultant shall provide evidence of 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 (“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. 17:141 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 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 subconsultants who are registered with the Division as a DVOB. 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 pursuant to N.J.A.C 17:14-4-1 et seq., 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.

Consultant shall maintain adequate records to document its efforts and will provide same with their Expression of Interest.

Subsection B3

Mandatory Equal Employment Opportunity Language

N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127)

N.J.A.C. 17:27 et seq.

Goods, General Services, and Professional Services Contracts

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 ex-pression, 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, affection-al 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, up-grading, 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; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at: http://www.state.nj.us/treasury/contract_compliance).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be request-ed 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 Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

Subsection B4
State Contractor Political Contributions Compliance
N.J.S.A. 19:44A-20.25 (P.L. 2005, c.51) superseding Executive Order 134 (2004)
and Executive Order 117 (2008)

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 N.J.S.A. 19:44A-20.25 (P.L. 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 N.J.S.A. 19:44A-20.25 (P.L. 2005, c.51), contain restrictions and reporting requirements that will necessitate a thorough review of the provisions. Pursuant to the requirements of N.J.S.A. 19:44A-20.25 (P.L. 2005, c.51), the terms and conditions set forth in this attachment are material terms of any OPS resulting from this RFEI or RFP:

Definitions

For the purpose of this Attachment, 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.", N.J.S.A. 19:44A-3 et seq. (P.L. 1973, c.83), 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 attachment 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 or 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 Requirement

- 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 RFEOI, as well as future contract opportunities.
- c) Further, the Consultant 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 attachment, 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 N.J.S.A. 19:44A-20.27

Consultant 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 N.J.S.A. 19:44A-20.27, if the Consultant receives contracts in excess of \$50,000 from a public entity in a calendar year. It is the Consultant’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 <https://www.elec.state.nj.us/>.

Additional Disclosure Requirement Disclosure of N.J.S.A. 19:44A-20.13 et seq. (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 **N.J.S.A. 19:44A-20.13 et seq**, 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.

Only the intended Awardee will be required to submit the required N.J.S.A. 14:44A-20.25 (P.L. 2005, c.51)/Executive Order 117 and N.J.S.A. 19:44-20.26 (P.L. 2005, c. 271, s.2) form. The **combined** form is available on the Department of Treasury Division of Purchase and Property’s website at: <http://www.state.nj.us/treasury/purchase/forms.shtml>.

Subsection B5
Set-Off for State Tax

Pursuant to N.J.S.A. 54:4-19, 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 the 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 attachment shall stay the collection of the indebtedness. Interest that may be payable by the State pursuant to N.J.S.A. 52:32-32 et seq. (P.L. 1987, c 184) to the taxpayer, the provider of goods or services, or the contractor or subcontractor of construction projects shall be stayed.

Subsection B6
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) As of November 15, 2010, 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.

Subsection B7
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).

Subsection B8
Disclosure of Investment Activities in Iran

Pursuant to N.J.S.A. 52:32-57, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the Authority's "*Disclosure of Investment Activities in Iran*" certification, prior to contract award, to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates (any parent, successor, subunit, direct or indirect subsidiary, or any entity under common ownership or control with, any entity), is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the State of New Jersey, Department of Treasury, Division of Purchase and Property website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Proposers must review this list prior to completing the certification. If the Authority finds a person or entity to be in violation of the law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

Subsection B9
Prohibited Activities in Russia or Belarus

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

If the successful Firm is unable to so certify, the Firm shall provide a detailed and precise description of such activities to the Authority. Failure to provide such description will result in the Proposal being rendered as non-responsive, and the Authority will not be permitted to contract with such person or entity, and if a Proposal is accepted or contract is entered into without delivery of the certification, appropriate penalties, fines and/or sanctions will be assessed as provided by law.

If the Firm certifies that the Firm is engaged in activities prohibited by N.J.S.A. 52:32-60.1 et seq. (P.L. 2022, c.3), the Firm shall have 90 days to cease engaging in any prohibited activities and on or before the 90th day after this certification, shall provide an updated certification. If the Firm does not provide the updated certification or at that time cannot certify on behalf of the entity that it is not engaged in prohibited activities, the Authority shall not award the business entity any contracts, renew any contracts, and shall be required to terminate any contract(s) the business entity holds with the Authority that were issued on or after the effective date of N.J.S.A. 52:32-60.1 et seq. (P.L. 2022, c.3),.

The Authority requests that all Firms submit a copy of the form entitled "*Certification of Non-involvement in Prohibited Activities in Russia or Belarus Pursuant to* N.J.S.A. 52:32-60.1 et seq. (P.L. 2022, c.3), with their Proposal.

Subsection B10
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 attachment of the contract occurring after notice to the contractor from the contracting public agency of any prior violation of this attachment of the contract.

Subsection B11
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.

Subsection B12
ADA Indemnification Act

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 attachment. 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.

Subsection B13
Diane B. Allen Equal Pay Act

Please be advised that in accordance with N.J.S.A. 34:11-56.1 et seq. (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>

Subsection B14
Business Registration Act

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 Firm prior to award of the OPS in the form of a valid Business Registration Certificate in compliance with N.J.S.A. 52:32-44, as amended. No OPS 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 state.nj.us/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.