

March 28, 2024

To: ALL QUALIFIED FIRMS

Subject: REQUEST FOR EXPRESSIONS OF INTEREST
ORDER FOR PROFESSIONAL SERVICES No. P4194
Design Services for Contract No. P200.808
Shoulder Erosion Improvements, Milepost 154 to 156

Enclosed (See Attachment A) herewith is a Request for Expressions of Interest ("RFEOI") by the New Jersey Turnpike Authority (Authority) for professional engineering design services to provide for contract documents to improve the Parkway Southbound median from Milepost 154.7 to 155.4. In accordance with N.J.A.C. 19:9-2.8(b), this Order for Professional Services ("OPS") is considered a Simple procurement.

To be considered as eligible and qualified to submit an Expression of Interest ("EOI") for the professional engineering services being solicited in this RFEOI, a Firm must be prequalified in the following Profile Code:

Profile Code	Description
A250	Fully Controlled Access Highways

A Qualified Firm, eligible to submit an EOI for this RFEOI solicitation, is one that has a **current** "Professional Service Prequalification Questionnaire" ("PSPQ") package on file with the Authority 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.

Prequalification is not required for subconsultants. Prequalification **is** required for Joint Ventures.

A list of Qualified Firms eligible to submit an EOI for the above referenced assignment is attached (See Attachment B4). *Joint Ventures (*Qualified 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.

The Authority is seeking participation of Small Business Enterprises (SBEs) as subconsultants to the Qualified Firm that is awarded a contract under this RFEOI (the "Successful Qualified Firm"). The SBE project goal is 25%. The Authority has also adopted a Disabled Veteran Owned Business (DVOB) Enterprise Program (the "DVOB Program") pursuant to which the Successful Qualified Firm must make a good faith effort to award at least three (3) percent of the assignment to DVOBs, all as more fully described in this RFEOI. See Attachment "C", Subsection C12, "Small Business Enterprise/Disabled Veteran-Owned Business Programs".

All submittals required pursuant to N.J.S.A. 19:44A-20.13 to 20.25 (P.L. 2005, c.51), N.J.S.A. 19:44-20.26 (P.L. 2005, c.271s.2), P.L. 2023, c.30 (The Elections Transparency Act) and Executive Order 333 (2023 Murphy) will be requested from the Successful Qualified Firm only. The relevant forms will be transmitted to the Successful Qualified Firm by the Authority and are to be returned to the Authority within five (5) business days from receipt.

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

- ATTACHMENT A – Expression of Interest and Fee Proposal Submission Requirements (A1 and A2).
- ATTACHMENT B - Standard Information (B1 through B4).
- ATTACHMENT C - Standard Supplemental Information and Forms (C1 through C13(k)).
- ATTACHMENT D - N.J.A.C. 19:9-2.8 Procedures for Prequalification and Award of Contracts for Architectural, Engineering and Land Surveying Services.

Staff Qualifications

It will be the Successful Qualified Firm's responsibility to ensure that the project is fully and adequately staffed for the successful completion of the project.

A description of services being solicited by this RFEOI can be found in Attachment B, Subsection B2 "*Scope of Services*" of this RFEOI.

Project Description

The Parkway Southbound median from Milepost 154.7 to 155.4 is experiencing extensive erosion which has resulted in drop-offs along the left shoulder and pavement instability. The left shoulder in many locations within the referenced limits is less than two-feet (2') in width. The Authority has evaluated the median and provided conceptual alternatives for consideration. Based on the evaluation of these alternatives, asphalt millings were installed as the temporary solution to address pavement edge instability resulting from the median erosion while a permanent solution is developed.

The work to be performed by the Successful Qualified Firm for this OPS consists of professional engineering design services for the development of construction documents to provide a five-foot (5') wide full depth paved left shoulder along the Southbound Parkway within the referenced limits. The assignment will also require the evaluation of the existing stormwater collection system, the need for stormwater management and roadside barrier upgrades within the median.

The Authority will utilize a Secure File Sharing site ("Kiteworks") to share with and receive information from the Qualified Firms. Access to Kiteworks will be provided to the Qualified Firms via e-mail. Reference materials (*preliminary plans, studies, reports, etc.*) for this RFEOI will be made available for review in the "*Reference Materials*" folder.

If there are any questions or issues related to Kiteworks, please contact Jennifer Romero via e-mail at jromero@njta.com. The subject line should read "OPS No. P4194 Kiteworks Information".

Submission Requirements for Expression of Interest

Qualified Firms that are interested in being considered to perform these services as specified in the RFEOI, must submit a total of **five (5)** copies of their Expression of Interest (EOI), no later than **10:00 A.M. on Thursday April 18, 2024** as follows: **One (1) PDF** copy uploaded to the "EOI" folder on **Kiteworks** in accordance with the following naming convention: "OPS No. P4194_EOI_Qualified Firm Name"; and **four (4)** hard copies of the EOI shall be delivered to the Authority's Headquarters, clearly marked with the Qualified Firm's name and the words, "**EOI, OPS No. P4194**", no later than the date and time referenced above. **Late submissions will not be considered** and will be returned unopened.

EOIs received by the date and time specified above, will be publicly opened by conference call only. Conference call details are available on the Authority's website at <https://www.njta.com/doing-business/current-solicitations>.

For anyone who wishes to participate, conference call access shall be open five (5) minutes prior to the EOI opening and shall remain open until all submitted proposer firm names have been read.

Expressions of Interest shall be delivered/addressed as follows:

Hand or Overnight Delivery

New Jersey Turnpike Authority
1 Turnpike Plaza
Woodbridge, NJ 07095
Attn: Engineering Department, Highway Design
Daniel DeStefano, Project Engineer

US Mail

New Jersey Turnpike Authority
P. O. Box 5042
Woodbridge, NJ 07095
Attn: Engineering Department, Highway Design
Daniel DeStefano, Project Engineer

Inquiries

Inquiries pertaining to this RFEOI are to be directed in writing to Daniel DeStefano via e-mail destefano@njta.com with a copy to Dawn Margolis at margolis@njta.com. The subject line should read "OPS No. P4194, EOI Inquiry". **The deadline for inquiries is Wednesday April 10, 2024.** The Authority will respond to all written inquiries received by the deadline. Each inquiry will be stated, and a written response provided. **Responses will be posted on the Authority's website under Doing Business, Current Solicitations on or before Friday April 12, 2024.**

Qualified Firms will be responsible for submitting their EOIs in accordance with this RFEOI and any modifications, revisions and/or clarifications to this RFEOI as may be issued by the Authority.

Selection of Qualified Firm

Upon receipt of the EOIs, and in accordance with N.J.A.C. 19:9-2.8(e), the Authority will review each Qualified Firm's submission for completeness and shall reject those EOIs that are incomplete. The Authority shall notify all Firms whose EOIs are determined to be incomplete in writing.

The EOI Evaluation Committee shall rank each Qualified Firms Expression of Interest on the basis of numerical scores using the eight (8) rating factors and relative weights specified below, in accordance with N.J.A.C. 19:9-2.8(e), and final selection shall be made in accordance N.J.A.C. 19:9-2.8(g).

The EOIs will be evaluated and ranked on the basis of numerical scores resulting from pre-established weighted factors.

For this project, the rating factors and their relative weights are:

	RATING FACTORS	WEIGHT (%)	POINTS
1.	Experience of the Qualified Firm and its Subconsultants on Similar Projects	15	45
2.	Experience of the Project Manager on Similar Projects	15	45
3.	Key Personnel's Qualifications and Relevant Experience	15	45
4.	Understanding of the Project and the Authority's Needs, and Reasonableness of Staffing Estimate	15	45
5.	Approach and Methodology in Performing the Services Required	15	45
6.	Commitment and Ability to Perform the Project and Outstanding Work with the Authority	10	30
7.	Commitment to Quality Management	10	30
8.	Attainment of DVOB and SBE Participation Goals	5	15
		100%	300

Rating Factors (to be summarized in the Letter of Interest):

1. Experience of the Qualified Firm and its Subconsultants on Similar Projects

The Qualified 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 Qualified Firm and its relevance to the proposed assignment. It shall identify the Qualified 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.

Recent Authority Project Experience Form identifying all Authority projects on which the Qualified Firm 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 Qualified Firm and for each subconsultant.

2. Experience of the Project Manager on Similar Projects

The Qualified Firm shall identify the Project Manager that will be assigned to the project and identify the individual's education, credentials, and work experience. The Qualified Firm should discuss the proposed Project Manager's experience and its application to the assignment. The Qualified Firm shall review the criteria set forth by the Authority in the RFEIOI in consideration of the person proposed for the assignment. If the Qualified Firm is proposing an individual with credentials considerably different than those identified by the Authority, the Qualified 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.

3. Key Personnel's Qualifications and Relevant Experience

The Qualified 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 Qualified 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).

4. Understanding of the Project and the Authority's Needs, and Reasonableness of Staffing Estimate

Provide an explanation of the Qualified Firm's understanding of the project and Authority's needs required for the successful completion of the assignment. Provide a summary of the Qualified Firm's qualifications, and state how they relate to the Qualified 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 Qualified 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. Qualified 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 Qualified 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 Qualified Firm must confirm the deliverables and the schedule for design and construction associated with project specific deliverables. The Qualified Firm should also discuss project management items, including deliverables such as submittal of wage rate approvals and invoicing.

Reasonableness of Staffing Estimate

The Qualified 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 Attachment B, Subsection B3.

5. Approach and Methodology in Performing the Services Required

The Qualified 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 Qualified 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 Qualified Firm shall identify key issues and potential problems and discuss alternatives and options which would lead to resolution. The Qualified 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.

6. Commitment and Ability to Perform the Project and Outstanding Work with the Authority

The Qualified Firm shall identify its commitment and ability to complete the proposed work as well as any outstanding work they currently have with the Authority. The Qualified Firm shall provide an explanation of the anticipated project schedule and demonstrate that the Qualified Firm can commit the required staff resources and management to perform the assignment. A listing of the Qualified Firm's facilities, including the address of the office where the project will be performed, and how they relate to the Qualified Firm's ability to provide the requested services shall be provided.

➤ Commitment and Ability to Perform the Project

The Qualified Firm shall discuss its 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 Qualified 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 Qualified Firms 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.

7. Commitment to Quality Management

The Qualified Firm shall discuss its Commitment to Quality Management and Quality Assurance/Quality Control (QA/QC). The Qualified Firm shall provide a written narrative that describes the Qualified Firm's quality assurance policy and how it intends to implement a quality assurance program specifically for this assignment. The Qualified 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.

8. Attainment of DVOB and SBE Participation Goals

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

The Qualified Firms also 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.

Qualified Firms shall demonstrate how they will utilize SBE Qualified Firms to achieve the 25% goal and add value to the project team.

Order for Professional Services
(OPS)

The final OPS Agreement to be awarded and issued to the Successful Qualified Firm shall be in a form consistent with the Authority's Standard OPS Agreement for Simple projects (which is available on the Authority's website: www.njta.com under Doing Business, Engineering Professional Services, PS Supplemental Forms).

Very truly yours,

ORIGINAL SIGNED BY

Michael Garofalo
Chief Engineer

MG:DD:dmm
Attachments

c: L.T. Malak
D. Hesslein
L.K. Navarro
Review Committee
File

ATTACHMENT A
Expressions of Interest and Fee Proposal Submission Requirements

Subsection No. and Title

- A1. Expressions of Interest Submission Requirements
- A2. Fee Proposal Submission Requirements

Subsection A1
EOI Submission Requirements

A. To be considered for these services, each Qualified Firm, must submit the following:

1. **Letter of Interest**, which shall be limited to a total of five (5) single-sided, letter-sized pages with minimum 1-inch borders and minimum font size of 10 pt., stating the Qualified Firm's interest, ability, and its commitment to complete the requested professional services listed Attachment B, Subsection B2, "Scope of Services".

A brief transmittal letter is **excluded** from the above referenced page count.

The Letter of Interest shall demonstrate the Qualified Firm's ability to meet the rating factors listed under the heading "Selection of Qualified Firm" hereinabove. The Qualified Firm shall address the rating factors in the order in which they are listed, i.e., 1 through 8.

The EOI submission is limited to a total of twelve (12) pages. This page limitation does not include the documents listed in Items 2 and 4-9 below.

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 a maximum of seven (7) 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. A maximum of 1 page (foldout sheet acceptable) is permitted.
6. A completed **Commitment of Proposed Project Staff** form stating the percentage of time each member has available to commit to this assignment, including subconsultant staff. This form is available at www.njta.com/doing-business/ps-supplemental-forms.
7. A completed **Certification of Staff Availability** form, wherein the Qualified Firm shall certify that the staff proposed in the EOI shall be used in the performance of the project. This form is available at www.njta.com/doing-business/ps-supplemental-forms. 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 Qualified 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.

*The aforementioned page limitation shall be increased to a maximum of twenty (20) pages if the Qualified Firms must exercise option *7C above. The additional eight (8) 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 seven (7) 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 Qualified Firms' modified approach to the project if it would be handled differently as a result of utilizing the alternate personnel.

The Qualified Firm shall not include alternate staffing in their EOI unless they are required to do so in accordance with Option *7C. 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.

8. A completed **Recent Authority Project Experience Form** identifying all Authority projects on which the Qualified Firm 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 Qualified Firm and for each subconsultant.
9. Completed Standard Supplemental Forms as set forth in Attachment C, Subsection C13 "Standard Supplemental Forms to be Submitted".

Pages in excess of the stated 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 **Submission of Fee Proposal**

Following a review of the submitted EOIs, the Authority will request Fee Proposal(s) from the top three (3) (or more), technically ranked Qualified Firm(s).

The Fee Proposal shall be submitted as a cost-plus fee based on reimbursement of direct professional and technical salaries times a multiplier, not to exceed 2.80 based on a 10% allowance for profit and an overhead rate of 154.5%, or the individual qualified firms rate as determined by the Federal Acquisition Regulations (48 CFR Part 31.105), whichever is less plus direct expenses, subconsultant services and subcontractor services, at cost. The multiplier shall not be applied to the premium portion of overtime. The multiplier covers all overhead and profit.

Subconsultant and subcontractor services are those required services performed by other firms or contractors at the Successful Qualified Firm's direction.

For general services provided by the Successful Qualified Firm's corporate officers, partners, owners and/or principals in a non-technical capacity, no compensation will be provided. When corporate officers, partners, owners and/or principals are required to provide services in a technical capacity, the salaries for such individuals performing services in a technical capacity shall be reimbursable for direct salaries times a multiplier not to exceed 2.80.

No expenses or costs shall be billed unless specifically included in this EOI Solicitation and the Successful Qualified Firm's final negotiated Fee Proposal.

Average rate per classification/grade will not be permitted to determine total labor costs. The Fee Proposal shall detail time (hours) and direct salary data for classifications conforming to the ASCE Professional and Technical Grades, as shown on the Staffing Estimate and as modified by the Qualified Firm to account for all required services. Services shall be billed in accordance with the Successful Qualified Firm's Fee Proposal.

Salary rate increases will be permitted in accordance with the following parameters:

- Salary increases for merit or cost of living will not be permitted for the first 12 months of any OPS Agreement from the date of execution.
- Starting at month 13, all staff, regardless of pay grade / title, will be allowed up to a maximum annual increase of 3%.
- The proposal salary rate increase schedule will apply to the Successful Qualified Firm as well as all subconsultants.
- Salary rate increases as a result of a promotion are not subject to this policy.

The Qualified Firm's total Fee Proposal for these services shall be rounded to the nearest \$5,000.

Salaries shall be charged at the Successful Qualified Firms' hourly rates. The Successful Qualified Firm is responsible for managing the assignment, adhering to the number of hours, salary rates and personnel, as proposed in the EOI 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 services or whenever the Successful Qualified Firms proposes that an individual's rate be changed during the term of this OPS, awarded pursuant to this RFEOI, provided such change is reflected in the Qualified Firms' Fee Proposal. Except for overtime worked on construction supervision during permissible contract working hours, overtime must be approved by the Authority. The Fee Proposal shall follow and reflect the staffing estimate as shown in Attachment B3.

To assist in the Authority's management of its annual spending, the Qualified Firm shall include within the Fee Proposal the projected billings associated with these services, including monthly projections for the first two (2) years and quarterly billing projections for the duration of this assignment.

Given the potential for out-of-scope activities to arise during the performance of this OPS, the Qualified Firm is directed to include a 10% contingency of the cost-plus fee based on reimbursement of direct professional and technical salaries times the multiplier (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 approved subconsultant services, mileage, test pits, vendor invoiced printing of phase submission documents, final documents, mylar's, final plans in .PDF format, meeting displays/exhibits, and permit application fees. Mileage will be paid at the prevailing federal mileage rates (www.irs.gov). Mileage will be reimbursed for travel between the Qualified Firm's local office and the work site, New Jersey Turnpike Authority offices, and meetings required by the Authority or its representatives, including the return trip. Any change to this rate is subject to the approval of the New Jersey Turnpike Authority. The Successful Qualified Firm will be responsible for paying all tolls.

Compensation for lodging and meals will not be reimbursed, unless approved in writing in advance by the Authority. If approved, expenses for lodging and meals will be paid at in accordance with the federal per diem rates which can be found at www.gsa.gov/perdiem. This shall apply to the Successful Qualified Firm and its subconsultants and subcontractors.

Overnight delivery charges will be paid by the Authority only if such overnight delivery is specifically requested by the Authority and agreed to in advance. Otherwise, the Successful Qualified Firm will not be reimbursed for overnight delivery charges. This shall also apply to the Successful Qualified Firms' subconsultants and subcontractors.

ATTACHMENT B
Supplemental Information

Subsection No. and Title

B1. Anticipated OPS Procurement and Project Schedule

B2. Scope of Services

B3. Staffing Estimate

B4. Qualified and Eligible Firms

Subsection B1
OPS Procurement and Project Schedule

Anticipated OPS Procurement Schedule

Request for Expressions of Interest Posted.....	March 28, 2024
Deadline for Written Inquiries	April 10, 2024
Posted Responses to Inquiries	April 12, 2024
Deadline for Submittal of Expressions of Interest	April 18, 2024
Recommendation to Award OPS.....	June 2024

Anticipated OPS Schedule

Notice to Proceed.....	September 2024
Phase D Submission	June 2025
Completion of Services.....	September 2026
Administration Project Closeout	January 2027

Subsection B2 **Scope of Services**

INTRODUCTION

OPS No. P4194 is for professional engineering design services for Contract No. P200.808, Shoulder Erosion Improvements, Milepost 154 to 156 in the City of Clifton, Passaic County, which will improve the median and add a five-foot (5') left shoulder.

Engineering services shall include field and office work required for all aspects of the project as described hereunder for the design and preparation of construction contract documents for shoulder erosion improvements from specifically Milepost 154.7 to 155.4 southbound. The Successful Qualified Firm provide recommendations, and the design services for the preparation of permits, final contract plans, specifications and Engineer's Estimate of construction costs.

GENERAL

1. All services provided by the Successful Qualified Firm shall be in strict conformance with Authority requirements and standards of quality as may be found in the Procedures Manual, Design Manual, Standard Drawings, Sample Design Plans, CADD Standards (including any pertinent modification required for the Project), latest Standard and Supplemental Specifications, Manual for Traffic Control in Work Zones, and any specific criteria established for the Project. Authority Standard publications and drawings are available on the Authority's website at www.njta.com.
2. The Successful Qualified Firm shall be responsible for the thorough understanding of the project requirements, including all applicable codes, environmental permits, and regulations for all aspects of this project. All design elements must be in full compliance with all applicable codes, regulations, and standards, and shall consider all technical guidelines available.
3. Any documents required to be submitted to the Authority for review and comment, in performance of the services, will not relieve the Successful Qualified Firm from its obligation to perform all services in accordance with proper engineering criteria and sound professional engineering in accordance with the relevant standard of care. The Authority's review and comment shall not be construed as a comprehensive or detailed review for purposes of verifying or validating such submissions or the Successful Qualified Firm's work product. The Successful Qualified Firm shall be solely responsible for all documents it prepares and shall remain responsible to ensure the integrity of its work, including that of its subconsultants.
4. The Successful Qualified Firm shall coordinate project design with the following adjacent projects under design or construction, including all necessary coordination meetings with other owners and/or Consultant's doing design and/or construction in the area:
 - Contract No. P100.654: Bridge Repairs and Resurfacing, Milepost 126 to 172 (2024)
 - Contract No. A200.784: Guide Rail Improvements, New Jersey Turnpike Milepost 0 to 122 and Garden State Parkway Milepost 0 to 172, Various Locations

DETAILED SCOPE OF WORK

The Successful Qualified Firm is responsible to undertake any and all activities required to prepare contract documents and all ancillary activities to effectuate the design process. As such, the Successful Qualified Firm shall perform, at a minimum, the services outlined below. However, the Successful Qualified Firm shall be responsible to account for any and all work activities necessary for the complete performance of this assignment, whether or not such activities are identified below. The Successful Qualified Firm shall account for all work activities required for this project and shall identify any additional services that will be required for the complete performance of this assignment.

Design

The services furnished for design shall include but not necessarily be limited to the items of work described below and shall adhere to the requirements of the Authority's Design and Procedures Manuals.

a. Survey/Mapping

The Successful Qualified Firm shall perform detailed field surveys and develop new base mapping for the project location in accordance with the latest Authority Procedures Manual and CADD standards. The Successful Qualified Firm shall survey the area of work in order to provide mapping for the project to accomplish all design services, including but not limited to surveys of drainage facilities, location of utilities, establishment of control points and other incidental survey work.

Field work and surveys along the Parkway shall be performed in accordance with the requirements of the New Jersey Turnpike Authority's "Manual for Traffic Control in Work Zones", latest edition (Work Zone Manual). Successful Qualified Firm shall be required to furnish, place and remove all traffic control, protective and warning devices necessary for lane and shoulder closings. Vehicles used in the placement and removal operations associated with the closing of lanes and shoulders on the Parkway shall be in accordance with the Manual. The Successful Qualified Firm shall also provide for traffic control on State, county and local roads (if required) in accordance with their requirements and shall obtain approval from the agency having jurisdiction.

The Successful Qualified Firm will be required to view the temporary traffic control safety class PowerPoint presentation, which is available on the Authority's website. The Successful Qualified Firm will not be permitted to engage in lane and shoulder closing operations on Authority roadways and ramps until the temporary traffic control safety class presentation has been viewed and acknowledged by all employees and subconsultants as noted on the attendance sheet. The completed attendance sheet shall be submitted to the Authority's Project Manager prior to the first lane closing request submission. The Successful Qualified Firm shall submit additional attendance sheets as necessary throughout the course of the project to account for change in personnel. Lane closings will not be performed by the Authority's Operations staff.

The Successful Qualified Firm shall perform field inspections. Any additional cost incurred due to circumstances beyond the control of the Successful Qualified Firm, such as down time for bad weather, will be considered Extra Work and said amounts will be reimbursed by the Authority over and above the agreed fee. The Chief Engineer shall have sole discretion in determining if circumstances, and therefore Extra Work, are beyond the control of the Successful Qualified Firm.

The Successful Qualified Firm shall obtain and review existing data, including Record Drawings, Permit Plans, conduct field visits, etc.

b. Roadway Design

The Successful Qualified Firm shall evaluate existing guide rail connections to median barrier for conformance with current design requirements within the project limits. Provisions for new guide rail connections conforming to current standards shall be included as required.

c. Utility Relocation/Protection

The Successful Qualified Firm shall determine whether existing utilities within the project limits will require relocation due to the proposed improvements. If necessary, the Successful Qualified Firm shall prepare all Utility Orders and associated documentation as may be required for the completion of this project. Utility company performed stake outs and/or test pits, if required to determine conflicts, shall be coordinated by the Successful Qualified Firm. The Successful Qualified Firm shall comply with the State's Underground Facility Protection Act (L. 1994, c. 118) for damage prevention of buried utilities. Pursuant to N.J.S.A. 48:2-73 et seq. and N.J.A.C. 14:2-1.1 et seq., the Successful Qualified Firm shall call the One-Call Center at 1-800-272-1000 for utility mark-outs at least three (3) business days in advance, but no more than ten (10) business days prior to performing field stake outs and beginning test pit activities. Coordination and supervision of outside contractor test pits shall be included in the contract scope of services. Test pit excavations will not be performed by the Authority's Operations staff. All Utility Orders shall be fully executed by the Phase C submission and shall be clearly referenced in the Contract Documents.

The Successful Qualified Firm shall coordinate with the utility companies prior to preparing and executing all Utility Orders for Utility company engineering fees and utility relocation work.

Buried conduit containing fiber optic cables used by the Authority and customers of the Authority exist within the Parkway's right-of-way and may exist within the project limits. The Successful Qualified Firm shall verify the existence of such facilities crossing the Parkway or present along the median of the roadway and shall make every effort to avoid any conflicts with such facilities or impacts with the proposed construction work. All existing fiber optic conduit, cable and associated facilities crossing the Parkway or located along the median within the limits of this project shall be clearly shown on all appropriate construction contract documents.

The Successful Qualified Firm's staff shall acquaint themselves with the Authority's Fiber Optic Cable Facilities extending the length of the Parkway including branch runs. As-built drawings of the Fiber Optic Cable facilities are on file in the Authority's Engineering Department. The Successful Qualified Firm shall show on the contract drawings the Fiber Optic Cable facilities when in proximity of the proposed repairs and make reference thereto in the specifications. The Successful Qualified Firm will be required to sign a Fiber Optic Cable Certification form which can be downloaded at <https://www.njta.com/doing-business/ps-reference-material> attesting that they have been acquainted with the information shown on the as-built drawings and the field conditions and has incorporated same in the contract.

d. Permitting

The Successful Qualified Firm shall note that while the Authority has General Permits issued by the New Jersey Department of Environmental Protection (NJDEP) to permit certain activities, these General Permits may not apply to all required activities.

The Successful Qualified Firm shall prepare all applications and obtain all necessary permits for the proposed project including, but not limited to, NJDEP Transition Area Waivers, Freshwater Wetlands Permits, and General Permits; Soil Erosion and Sediment Control Permits/Plan Certification, etc., as required.

The Successful Qualified Firm shall ensure that the project design and contract documents comply with the requirements thereof. The Successful Qualified Firm is to investigate and identify the need for any other permits. The preparation of such other permit applications and any additional design required by such other permits not listed above will not be regarded as Extra Work.

e. Stormwater Management/Roadway Drainage Design

Preliminary Engineering has determined that drainage improvements and stormwater management must be further evaluated with a need for drainage basins likely.

f. Maintenance and Protection of Traffic (MPT)

The following items of work shall be presented by the Successful Qualified Firm as part of the Phase B submission with further development at the Phase C and Phase D submission levels:

- The Successful Qualified Firm shall develop MPT Plans to provide an adequate work zone during construction. During construction, if traffic is to be diverted away from the work zone using temporary construction barrier and lane shifts (no long-term lane closures will be permitted), the design of such work shall be based on Authority Design Standards.
- The Successful Qualified Firm shall prepare preliminary traffic control plans, complete MPT specifications and appendices, a preliminary construction schedule with backup computations. Coordination with any adjacent contracts which may impact the schedule and/or staging schemes will be required. The Successful Qualified Firm will participate in a review meeting(s) with the Authority's Operations Department and other agencies, if required.
- Parkway lane closings shall be in accordance with the New Jersey Turnpike Authority's "Manual for Traffic Control in Work Areas" latest edition. Maintenance and Protection of Traffic plans shall show all signing and striping. Only one stage per drawing shall be shown. Maintenance and Protection of Traffic to conform to the current Manual on Uniform Traffic Control Devices and be in accordance with the Authority's Design Manual, and State, county and local requirements as applicable. An effort should be made to uniformly apply traffic control standards throughout the limits of this project. Portable VMS shall be utilized where necessary.

Traffic protection plans and cross sections shall be developed for each construction stage showing placement of traffic protection devices, temporary lane configurations, and line striping changes. All final Maintenance and Protection of Traffic Plans and Specifications must be closely coordinated with the Authority's Project Manager and the Authority's Operations Department.

The contract documents shall define the availability of lane closing times, including allowable lane closing hours during the week and over weekends, starting and ending point locations for lane detours, lane closings and line striping tapers for each construction stage and work zone as deemed permissible by the Authority's Operations Department.

A Traffic Control Coordinator (TCC) shall be required where lane and half ramp closings are to be installed by the Successful Qualified Firm, subconsultant or subcontractor as part of design inspection. Refer to Specifications Subparagraph 801.03(A)(6) for TCC requirements and certification, which shall apply to design inspection tasks involving lane and half ramp closings.

g. Constructability

The Successful Qualified Firm shall perform a Constructability Review by qualified construction personnel and prepare a Constructability Report following the Authority's Procedures Manual Section 3.5. Preliminary constructability review assessments shall be presented at the Pre-Phase B Review Workshop. The Preliminary Constructability Review Report shall be submitted with Phase B. The Final Constructability Review Report shall be submitted with the 95% MPT Submission.

h. Executive Order No. 172 (Kean)

The Successful Qualified Firm shall confirm the requirements of Executive Order Nos. 172 do not apply based on the scope of this assignment.

i. Post Design Services

The Successful Qualified Firm will be responsible for providing post design services as described in the Authority's Procedures Manual (which is available on the Authority's website at www.njta.com). It is specifically noted that the Successful Qualified Firm shall be responsible for review of shop drawings and responding to requests for information (RFIs) in accordance with Section 3.4.6 "Post Design Services" including Exhibit 3-9 of the Authority's Procedure's Manual. The Successful Qualified Firm will be required to attend a Project Hand-off Meeting and prepare required materials, such as a Hand-off Report, to inform the Authority's construction staff of the key components of the contract prior to construction. Additionally, participation at weekly progress meetings for the duration of construction and participation at the final inspection meeting will be required. Construction supervision services are not included as part of this assignment.

ADMINISTRATIVE

1. Project Coordination - The Successful Qualified Firm shall coordinate its activities with Authority personnel throughout the course of this project. Upon commencement of services under the OPS, the Successful Qualified Firm shall establish a means of coordinating and reporting its activities with the Authority's representative to ensure an expeditious exchange of information. The Authority shall be informed of all meetings with other agencies, government officials and/or groups so that Authority personnel can attend if necessary.

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

The Successful Qualified Firm shall work in harmony with any and all entities that have been and may be retained by the Authority for this project.

The Successful Qualified Firm may be required to meet with representatives from appropriate federal, State, County, Municipal, Utility, and other private or public organizations or agencies, as necessary, to effectuate the completion of work items. The Successful Qualified Firm shall give adequate notification of all meetings to the Authority through the Authority's Project Manager. High level meetings will be attended by the Authority as required. Other meetings for the purpose of discussing typical design related issues are anticipated to be attended solely by the Successful Qualified Firm. The Successful Qualified Firm will prepare, in a timely manner, all minutes of meetings attended with copies to the Authority, and others as appropriate. Draft meeting minutes will be shared

with the Authority's Project Manager's for review before they are issued to the attendees. The Successful Qualified Firm is responsible for the preparation of all necessary displays, exhibits and like material as needed for the meetings.

The Successful Qualified Firm is responsible to the Authority for the work of its subconsultants. As such, it is expected that the Successful Qualified Firm shall perform Quality Reviews of its subconsultant's work prior to providing copies/submittals to the Authority. If extensive errors/omissions are found during reviews, the work shall be rejected, and shall be revised and resubmitted at no additional cost to the Authority.

2. Management Requirements – The Successful Qualified Firm's Project Manager shall possess a valid New Jersey Professional Engineer's license and shall not be removed from the OPS and replaced with another Project Manager without prior written approval from the Authority's Chief Engineer or his representative.

It is expected that the Project Manager will actively manage the project and will lead/participate in all project related meetings. The Project Manager will serve as the primary point of contact for the team and be available for project-related matters.

3. Progress Reports – The Successful Qualified Firm will be responsible to prepare and submit monthly progress reports indicating percent of work completed by task, work completed in the last month, work to be performed, actions/decisions required by the Authority, and the status of the project's schedule and budget. Reports shall be submitted on a monthly basis and coincide with the invoice submitted for the same time period.

Progress reports shall contain monthly updates of the approved schedule. Progress reports shall also include an estimate of the Authority's financial spending plan for the project. This spending plan will be detailed for the OPS, construction contract(s), Utility Order(s), and any other costs to be paid by the Authority.

4. Status Meeting - It is anticipated that the Successful Qualified Firm will be required to conduct monthly project status meetings throughout the duration of the project. These meetings shall typically occur at the Authority's Administrative offices but can be held virtually at the Authority's discretion. Other meetings may be scheduled based on project needs.
5. Invoicing Requirements – All invoices shall be consecutively numbered and shall contain the words, "Order for Professional Services No. P4194 Design Services for Contract P200.808 Shoulder Erosion Improvements, Milepost 154 to 156 ". Invoices will not be processed before the progress report for that month's activities have been submitted.

Invoices are **required** to be submitted (electronically to EngineeringOPSInvoices@njta.com) on a **monthly** basis. They shall be submitted to the Authority within 15 business days of the cutoff date. The Successful Qualified Firm will also be responsible for preparing and submitting, as part of this invoice, projected billings associated with the OPS, monthly projections for two years and quarterly billing projections for the duration of the OPS.

The Successful Qualified Firm shall submit time sheet summaries. Individual employees' time sheets are not required, unless specifically requested by the Authority. Direct expenses shall be reimbursed in accordance with the expenses identified in Subsection A2.

The Successful Qualified Firm shall immediately notify the Authority's representative in writing if the percentage of fee earned exceeds the percentage of services completed. The Successful Qualified Firm shall immediately implement the necessary adjustments and/or make recommendations on how to alleviate this condition. Failure to do so may result in the Successful Qualified Firm being required to absorb any costs beyond the authorized fee.

The Successful Qualified Firm shall be responsible to submit to the Authority for approval the wage rates of personnel that will be working on the project.

DELIVERABLES

The preparation and submission of contract plans, specifications and estimates shall be in accordance with the current version of the Authority's Design Manual and Procedures Manual, unless noted otherwise herein.

Phase review documents shall be prepared by the Successful Qualified Firm. Submission distribution matrices for each phase submission, including the number of hard and electronic copies will be prepared and submitted to the Authority's Design Liaison for approval prior to any printing. Additional sets may be requested if deemed necessary to review specific design elements.

All Phase submission reviews will culminate with a Comment Resolution Document (CRD) that will approve completion of that Phase and authorize work to proceed. Review comments from the Authority, and/or other Agencies, will be provided to the Successful Qualified Firm for compilation and response. It is anticipated that the Comment Resolution Document shall be in excel spreadsheet format for electronic comments received. Should the Successful Qualified Firm choose to advance portions of the design prior to receiving full comment resolution concurrence, they shall notify the Authority's Program Manager accordingly and obtain concurrence prior to proceeding on the work. If notification is not provided and concurrence is not received, then the Successful Qualified Firm is proceeding at their own risk and any rework shall be at no cost to the Authority.

For scheduling purposes, a three (3) week period will be allotted for the review of each submission by the Authority, after which a meeting will be convened to discuss all comments with the Successful Qualified Firm. However, any delays caused by the Authority's review process shall not be sufficient for additional compensation.

The Final submission shall follow Phase D submission requirements and consist of 100% complete drawings (Mylar), duplication ready specifications, construction schedule and engineers estimate, which shall be transmitted to the General Consultant under separate cover at least one week prior to the bid opening. Included with the final submission, the Successful Qualified Firm shall provide to the Authority, at no additional cost, the electronic file(s) of the procurement documents.

The Successful Qualified Firm must develop this project in MicroStation as per the Authority's CADD Standards Manual (Latest Edition), and copies of the electronic files are to be provided to the Authority at no additional cost.

Deliverables for items such as right-of-way documents, Agreements and Utility Orders, if required, will likely follow the schedule outlined in the Authority's Design Manual, unless noted otherwise herein. All these items are to be fully negotiated and fully executed prior to advertisement.

All printing of contract bid documents will be performed by the Authority.

eGIS Deliverable

The Authority utilizes an eGIS platform which contains information for its key assets. Successful Qualified Firm shall include an eGIS deliverable with their Phase D Submission. This will include creating eGIS layers and/or providing georeferenced data in excel sheets, with pertinent information from the proposed design (such as SWM devices/drainage layouts, ITS devices, guide rail, light poles, etc.). The data to be included and layers/spreadsheets will be determined via coordination with the Authority.

REFERENCE MATERIALS

The reference materials are available for review electronically through the Authority's Secure File Sharing Site. Access to the secure workspace will be provided to all prequalified and eligible Qualified Firms 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 Daniel DeStefano, via e-mail at destefano@njta.com. The subject line should read, "OPS No. P4194 Secure File Sharing Site Information. The following reference material is available for review:

- a. Improvement Alternatives – Summary prepared by Gannett Fleming, Inc. dated October 20, 2023
- b. Contract No. 40-427 – Garden State Parkway Section 2 Northbound Ramp Improvements and Resurfacing, Third River to Route 46
- c. Contract No. 40-432 – Garden State Parkway Section 2 Southbound Ramp Improvements, Third River to Route 46
- d. Contract No. 41-683 – Garden State Parkway Resurfacing and Bridge Widening, Milepost 154.4 to 156.6
- e. Contract No. 84-903 – Garden State Parkway Drainage Structure Repairs between Milepost 127 to 172
- f. Contract No. P200.714 – Roadway Resurfacing, Milepost 126 to 172 Section 14 (2023)
- g. Contract No. P200.714 – Change of Plan No. 2 (Sheet No. 118A)

Subsection B4
Qualified and Eligible Firms

1. AECOM Technical Services
2. Arora and Associates, P.C.
2. Arup US, Inc.
3. AtkinsRéalis USA Inc.
4. Boswell Engineering
5. Buchart-Horn, Inc.
6. CDM Smith Inc.
7. Colliers Engineering & Design, Inc.
8. Dewberry Engineers Inc.
9. French & Parrello Associates, P.A.
10. Gannett Fleming, Inc.
11. Gedeon Engineering, PC d/b/a Gedeon GRC Consulting
12. Greenman-Pedersen, Inc.
13. Hardesty & Hanover, LLC
HDR Engineering, Inc.
14. IH Engineers, P.C.
15. Infra Tech Engineering, LLC
16. Jacobs Engineering Group Inc.
17. Johnson, Mirmiran & Thompson, Inc.
18. KC Engineering and Land Surveying, P.C.
19. KS Engineers, P.C.
20. M&J Engineering, P.C.
21. MAKES Engineers, PC
22. Malick & Scherer, P.C.
23. McCormick Taylor, Inc.
24. Michael Baker International, Inc.
25. Mott MacDonald LLC
26. MP Engineers, P.C.
27. Naik Consulting Group PC and KS Engineers, PC
28. NAIK Consulting Group, P.C.
29. NV5, Inc.
30. Parsons Transportation Group, Inc.
31. Pennoni Associates, Inc.
32. Remington & Vernick Engineers
33. SJH Engineering, P.C.
34. Stantec Consulting Services, Inc.
35. STV Incorporated
36. T&M Associates
37. T.Y. Lin International
38. Taylor, Wiseman & Taylor
39. Traffic Planning and Design, Inc.
40. TranSystems Corporation
41. Urban Engineers, Inc.
42. Van Cleef Engineering Associates, LLC
43. WSP USA Inc.

ATTACHMENT C
Standard Supplemental Information and Forms

Subsection No. and Title

- C1. Administrative Information
- C2. Mandatory Employment Opportunity Language, *N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127) and N.J.A.C. 17:27 et seq.*
- C3. State Consultant Political Contributions, *N.J.S.A. 19:44A-20.13 to 20.25 (P.L. 2005, c.51), N.J.S.A. 19:44-20.26 (P.L. 2005, c.271s.2), P.L. 2023, c.30 (The Elections Transparency Act) and Executive Order 333 (2023 Murphy)*
- C4. Right to Audit
- C5. Antidiscrimination Provisions
- C6. Standards Prohibiting Conflicts of Interest Executive Order 189 (1988 - Kean)
- C7. ADA Indemnification Act
- C8. Diane B. Allen Equal Pay Act
- C9. Warranty by Contractor of No Solicitation on Commission or Contingent Fee Basis, *N.J.S.A. 52:34-15 (P.L. 1954, c48, s.10)*
- C10. Prompt Payment Act, *N.J.S.A. 2A:30A*
- C11. Code of Ethical Standards
- C12. Small Business Enterprise and Disabled Veteran Owned Business Programs
- C13. Standard Supplement Forms to be Submitted
 - (a) Affidavit of Eligibility/Disclosure of Material Litigation
 - (b) Small Business Enterprise/Disabled Veteran Owned Business
 - (c) Disclosure of Investment Activities in Iran *
 - (d) Prohibited Activities in Russia or Belarus
 - (e) Source Disclosure Form
 - (f) Ownership Disclosure
 - (g) Business Registration Act
 - (h) Set-Off for State Sales Tax
 - (i) Affidavit of Moral Integrity form
 - (j) Disclosure of Outstanding Work
 - (k) Recent Authority Project Experience

Subsection C1 **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 Firm in the preparation of their Expression of Interest or Fee Proposal.

Addendum to EOI Solicitations

If, at any time prior to the Authority receiving responses to this RFEOI, it becomes necessary to revise any part of this RFEOI, or if additional information is necessary to enable firms to adequately interpret the provisions of this RFEOI, an addendum to the RFEOI will be made available on the Authority's web-site, www.njta.com, as described herein.

Acceptance and Rejection of EOIs and Fee Proposals

Any award of this OPS will be made in accordance with N.J.A.C.19:9-2.8. The issuance of this RFEOI soliciting Expressions of Interest and Fee Proposals does not, in any manner or form, commit the Authority to award any OPS. The contents of the RFEOI, EOI, and a final negotiated Fee Proposal may become a contractual obligation, if an EOI submitted in response to the RFEOI 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 response to the RFEOI, including its EOI, may result in rescission of any OPS awarded by the Authority. The Authority shall not be obligated at any time to award any OPS. The Authority reserves the right to accept or reject any or all proposals or to negotiate with any proposer, to waive minor noncompliance, amend or supplement the RFEOI, re-advertise the RFEOI, or abandon a procurement, and/or take such other steps deemed necessary and in the best interest of the Authority, in accordance with applicable law.

Errors or Omissions in RFEOI

It is the firm's responsibility to bring to the attention of the Authority during the RFEOI any errors, omissions, or non-compliance discovered in the RFEOI. By neglecting to do so, the firm will be responsible to make any resulting changes without additional compensation if awarded the OPS.

Dissemination of Information

Information included in this RFEOI or in any way associated with this project is intended for use only by the firms submitting an EOI 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 any firm, except in replying to this RFEOI solicitation.

News Releases

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

Public Records

This RFEOI, and any response to the RFEOI, including an EOI and Fee Proposal submitted by a firm in response to the RFEOI, shall constitute a public document subject to disclosure in accordance with New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (OPRA). Any firm responding to the RFEOI may request that the Authority's Director of Law deem certain information contained in its response to be personal, financial, or proprietary information that is exempt from disclosure under OPRA.

The Authority reserves the right to make the determination regarding what is proprietary or confidential and will advise the winning bidder/proposer accordingly. The Authority will not honor any attempt by a winning bidder/proposer to designate its entire proposal as proprietary or confidential and will not honor a claim of copyright protection for an entire proposal. In the event of any challenge to the winning bidder's/proposer's assertion of confidentiality with which the Authority does not concur, the bidder /proposer shall be solely responsible for defending its designation.

Subsection C2
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 consultant or subconsultant, 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 consultant 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 consultant 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 consultant or subconsultant, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the consultant, 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 consultant or subconsultant 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 consultant's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The consultant or subconsultant, 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 consultant or subconsultant 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 consultant or subconsultant 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 consultant or subconsultant 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 consultant or subconsultant 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 consultant 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 consultant and its subconsultants shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

Subsection C3

State Consultant Political Contributions Compliance

N.J.S.A. 19:44A-20.25 (P.L. 2005, c.51) superseding Executive Order 134 (2004 McGreevey),
The Elections Transparency Act," P.L. 2023, c.30,
and Executive Order 333 (2023 Murphy)

Election Transparency Act, P.L. 2023, c. 30; Fair and Open Exception

In accordance with the Elections Transparency Act, P.L. 2023, c. 30 (the "Act"), effective January 1, 2023, all contracts awarded by the Authority pursuant to a fair and open process as defined in the Act are no longer subject to the political contributions proscription that prohibited a contract award if certain reportable contributions were solicited or made by a potential contract awardee. The Authority has determined that this procurement meets the requirements of a fair and open process and, accordingly, any such solicited or reportable contributions made by any proposer submitting a proposal will not prohibit any contract award thereto if such proposer is deemed the successful proposer.

Annual Report of Contributions to the Election Law Enforcement Commission

All Business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of \$50,000.00 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us

Breach of Terms of Government Contract

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 Act, (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 of any candidate of holder of the public office of Governor or Lieutenant Governor; (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 Act; (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 Act; 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 Act.

Subsection C4 Right to Audit

Pursuant to N.J.A.C. 17:44-2.2, the New Jersey Office of the State Comptroller (OSC) has the authority to audit or review contract records, as follows:

- a) Relevant records of private vendors or other persons entering into contracts with covered entities, including the Authority, are subject to review by the OSC pursuant to N.J.S.A. 52:15C-14(d).
- b) Any Consultant awarded a contract shall maintain all documentation related to products, transactions, or services under this contract for a period of five (5) years from the date of final payment. Such records shall be made available to the OSC upon request.

Subsection C5 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 consultant, nor any person acting on behalf of such consultant or subconsultant, 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 consultant, subconsultant, 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 consultant 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 consultant from the contracting public agency of any prior violation of this attachment of the contract.

Subsection C6
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, Qualified 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 C7
ADA Indemnification Act

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, shall be a part of any OPS awarded under pursuant to this RFEOI. In providing any aid, benefit, or service on behalf of the Authority pursuant to any such 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 any OPS awarded pursuant to this RFEOI, 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 that 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 any contract awarded pursuant to this RFEOI 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 that may arise out of their performance of any OPS awarded pursuant to this RFEOI. 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 any OPS awarded pursuant to this RFEOI, nor shall it 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 any OPS awarded pursuant to this RFEOI or otherwise at law.

Subsection C8
Diane B. Allen Equal Pay Act

Pursuant to 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 consultant 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 C9
Warranty of Contractor of No Solicitation on
Commission or Contingent Fee Basis
N.J.S.A. 52:34-15 (P.L. 1954, c. 48, § 10)

Every contract or agreement negotiated, awarded or made pursuant to N.J.S.A. 52:34-15 shall contain a suitable warranty by the contractor that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business, for the breach or violation of which warranty the State shall have the right to annul such contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage or contingent fee.

Subsection C10
Prompt Payment Act, N.J.S.A. 2A:30A

Pursuant to the New Jersey Prompt Payment Act, N.J.S.A. 2A:30A-1 et seq., payment to the Successful Qualified Firm under any contract awarded pursuant to this RFEOI shall be processed and paid as follows:

1. All consultant bills shall be deemed approved and certified for payment 20 days after the receipt unless before the end of the 20-day period a written statement of the amount withheld and the reason for withholding payment is provided.
2. If the billing is approved, the bill shall be paid in the Authority's subsequent payment cycle.

Subsection C11
Code of Ethical Standards

The Authority 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 at <https://www.state.nj.us/ethics/docs/ethics/uniformcode.pdf>. By submitting an Expression of Interest and Fee Proposals, the Successful Firm will be subject to the intent and purpose of said the Code and to the requirements of the State Ethics Commission.

Subsection C12
Small Business Enterprise and Disabled Veteran Owned Business Programs

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 seeks participation of these SBEs in the performance of certain Orders for Professional Services (OPS). At the time of submission of its Technical Proposal, the firm must include either (1) evidence of the use subconsultants who are registered with the Division as an SBE and whose collective participation in performance of subconsultant services meets or exceeds the goal of at least twenty-five percent (25%) of the total value of any OPS awarded pursuant to this RFP, or (2) demonstration of a good faith effort to meet the goal of awarding at least twenty-five percent (25%) of the total value of the OPS to subconsultants who are registered with the Division as an SBE.

During this procurement, as part of the fee negotiation process, firms must submit proof of their subconsultants' SBE registration(s). In the event that, prior to the time of award, a firm has not demonstrated to the Authority's satisfaction, that good faith effort was made to accomplish the above stated goal, the Authority is precluded from awarding the firm the OPS in accordance with N.J.A.C. 17:13-4.2.

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. 17:13-1.1 et seq., the selected firm (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 a Consultant, at any time during the course of an OPS, and for any reason, intends to make any additions, deletions, or substitutions of the SBE subconsultants listed on the SBE/DVOB Utilization 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.

A firm submitting a proposal shall take the following action, in accordance with N.J.A.C. 17:13-4.3, in establishing a "good faith effort" to solicit and award subconsultant contracts to eligible SBEs:

1. Firm shall attempt to locate qualified potential SBE subconsultants.
2. Firm shall request a listing of small businesses from the Division and the Authority, if none are known to the firm submitting a proposal.
3. Firm shall keep specific records of its efforts, including the names of businesses contacted and the means and results of such contacts, including receipts from certified mail and telephone records.
4. Firm shall provide all potential SBE subconsultants with detailed information regarding the solicitation, project description and specifications, including proof of advertisements in general circulation media, professional service publications and minority and women focus media.
5. Firm shall attempt, wherever possible, to negotiate lower prices with potential SBE subconsultants that submit higher than acceptable fee estimates.
6. Firm shall provide evidence of efforts made to identify work categories capable of being performed by SBEs; and

7. Firm 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.

The Successful Qualified Firm shall maintain adequate records to document its efforts and shall 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. 17:14-1.1, have the opportunity to compete for and participate in the performance of consultant services. The Authority seeks participation of these DVOBs in the performance of certain Orders for Professional Services (OPS). The firm's Expression of Interest must include either (1) evidence of the use of subconsultants who are registered with the Division as a DVOB, and whose collective participation in performance of subconsultant services meets or exceeds the goal of at least three per cent (3%) of the total value of any OPS awarded pursuant to this RFP or (2) demonstration of a good faith effort to meet the goal of awarding at least three per cent (3%) of the total value of the OPS to subconsultants who are registered with the Division as a DVOB.

During the Expression of Interest portion of this procurement, as part of the fee negotiation process, firms must submit proof of their subconsultants DVOB registrations. In the event that, prior to the time of award, a firm has not demonstrated, to the Authority's satisfaction, that a good faith effort was made to accomplish the above stated goal, the Authority is precluded from awarding the firm the OPS in accordance with N.J.A.C. 17:14-4.2.

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. 17:14-1 et seq., the selected firm (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 a Consultant, at any time during the course of an OPS, and for any reason, intends to make any additions, deletions, or substitutions of the DVOB subconsultants listed on the SBE/DVOB Utilization 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.

A firm submitting a proposal shall take the following action, in accordance with N.J.A.C. 17:14-4.3, in establishing a "good faith effort" to solicit and award subconsultant contracts to eligible DVOBs:

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

The Successful Qualified Firm shall maintain adequate records to document its efforts and shall provide same to the Authority upon request.

Subsection C13
Standard Supplemental Forms to be Submitted

Qualified Firms shall submit the following completed, executed forms at the time of submission of their Expression of Interest. The following forms are available at www.njta.com under *Doing Business, Engineering Professional Services, PS Supplemental Forms*.

Subsection C13(a)
Affidavit of Eligibility/Disclosure of Materials Litigation

A completed **Affidavit of Eligibility/Disclosure of Material Litigation** form for review by the Authority's legal counsel shall be submitted by firms at the time of submission of their Expression of Interest for each firm, each member of a joint venture and all subconsultants. Each firm, each member of a joint venture and all subconsultants shall certify that it is not suspended, disbarred, or disqualified from bidding on any state or federal contracts. Furthermore, no litigation shall be pending or brought against the firm that could materially affect its ability to perform the OPS described herein. Each 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.

Subsection C13(b)
Small Business Enterprise/Disabled Veteran Owned Business

Firms shall submit a Small Business Enterprise/Disabled Veteran Owned Business (SBE/DVOB) Utilization form at the time of submission of their Technical and Fee Proposals In accordance with the Authority's SBE/DVOB Programs.

Subsection C13(c)
Disclosure of Investment Activities in Iran
N.J.S.A. 52:32-58

A State agency shall require a person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract to certify, *prior to the time a contract is awarded* and at the time the contract is renewed, that the person or entity is not identified on the Department of Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f).

The Department of Treasury's 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, such person or entity 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.

***Note:** While the Authority acknowledges that, pursuant to N.J.S.A. 52:32-58 et seq. this certification is required prior to award of any contract, the Authority requests that Qualified Firms complete and submit the form entitled "Disclosure of Investment Activities in Iran" at the time of submission of their Expression of Interest.

Subsection C13(d)
Prohibited Activities in Russia or Belarus

N.J.S.A. 52:32-60.1 et seq. (P.L. 2022, C.3) (the "Act") states that prior to contract award, the awardee must certify that neither the awardee, nor any of its parents, subsidiaries, or affiliates engaged in prohibited activities in Russia or Belarus. However, the enforceability of N.J.S.A. 52:32-60.1 et seq. was challenged in the United States District Court for the District of New Jersey. On December 22, 2023, a company obtained a permanent injunction from the United States District Court, which enjoined the State from enforcing N.J.S.A. 52:32-60.1 on the ground that it would conflict with the existing federal sanctions regime and the United States Constitution's Supremacy Clause.

N.J.S.A. 52:32-60.4 provides that the Act "shall not apply in circumstances when its application would violate federal law." Accordingly, to enforce the Act in a manner consistent with the District Court's decision and federal law, New Jersey deems its list of persons and entities engaging in prohibited activities in Russia or Belarus to consist of all persons and entities appearing on the list of Specially Designated Nationals and Blocked Persons promulgated by the United States Department of Treasury, Office of Foreign Assets Control (OFAC), on account of activity relating to Russia or Belarus. A searchable database of OFAC-listed persons and entities is available here: <https://sanctionssearch.ofac.treas.gov/>.

Consistent with the District Court's decision, the New Jersey Turnpike Authority is revising its *Certification of Non-Involvement In Prohibited Activities in Russia or Belarus* form. Accordingly, prior to entering into any Agreement(s) hereunder, Successful Proposer(s) shall be required to complete and submit to NJTA the revised *Certification of Non-Involvement In Prohibited Activities in Russia or Belarus*.

Subsection C13(e)
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 C13(f)
Ownership Disclosure Form

Pursuant to N.J.S.A. 52:25-24.2, prior to the receipt of the proposal or accompanying the proposal, every corporation or partnership or limited liability company submitting a proposal shall submit a statement setting forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. If one or more such stockholder or partner or member is itself a corporation or partnership or limited liability company, the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established in this act, has been listed.

To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest

Each Qualified Firm shall submit a completed Ownership Disclosure form with the EOI.

Subsection C13(g)
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 Qualified Firm prior to award of any OPS pursuant to this RFEOL in the form of a valid Business Registration Certificate (BRC) 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. Proposers who are registered can go to https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp to obtain a copy of their BRC. If a Proposer is not registered, it can obtain information for registering its business with the New Jersey Division of Revenue by visiting the following link: <https://www.state.nj.us/treasury/revenue/busregcert.shtml>. Questions regarding this requirement should be referred to the Division of Revenue hotline @ 609-292- 9292.

A business organization that fails to provide a copy of a business registration as required pursuant to N.J.S.A. 52:32-44 et seq. or that provides false information of business registration, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency.

*****Note:** While the Authority acknowledges that, pursuant to N.J.S.A. 52:32-44 et seq., a BRC is required prior to award of any contract, the Authority requests that Qualified Firms submit their BRCs at the time of submission of their Expression of Interest.

Subsection C13(h)
Set-Off for State Tax

Pursuant to P.L. 1995, c. 159, effective January 1, 1996 and codified at N.J.S.A. 59:49-19 and N.J.S.A. 59:49-20, and notwithstanding any provision of 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 and services or construction projects, at the same time a taxpayer, 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 of that indebtedness. The amount set off shall not allow for the deduction of any expenses or other deductions that might be attributable to the taxpayer, partner or shareholder subject to set-off.

The Division of Taxation may initiate procedures to set off the tax debt of a specific vendor upon the expiration of ninety (90) days after either the issuance by the Division of a notice and demand for payment of any state tax owed by the taxpayer or the issuance by the Division of a final determination on any protest filed by the taxpayer against an assessment or final audit determination. A set-off reduces the contract payment due to a vendor by the amount of that vendor's state tax indebtedness or, in the case of a vendor-partnership or vendor-S corporation, by the amount of state tax indebtedness of any member-partner or shareholder of the partnership or S corporation, respectively. N.J.A.C. 18:2-8.3.

The Director of the Division of Taxation shall give notice of the set-off to the taxpayer, partner or shareholder and shall provide an opportunity for a hearing within thirty (30) days of such notice under the procedures for protests established under N.J.S.A. 54:49-18. No requests for conference, protest, or subsequent appeal to the Tax Court from any protest permitted under N.J.S.A. 59:49-19 shall stay the collection of the indebtedness. Interest that may be payable by the State to the taxpayer, pursuant to L.1987, c. 184 (N.J.S.A. 52:32-35), shall be stayed.

Qualified firms are requested to complete and submit a State Tax Set-Off form.

Subsection C13(i)
Affidavit of Moral Integrity

Firms shall complete, sign, and submit a notarized Affidavit of Moral Integrity form together with submission of their Expression of Interest.

Subsection C13(j)
Disclosure of Outstanding Work

Firms shall complete and submit the Disclosure Forms for the prime and all subconsultants indicating outstanding work with the Authority with their Expression of Interest.

Subsection C13(k)
Recent Authority Project Experience

Firms shall complete and submit with their Expression of Interest, the Recent Authority Experience form for the prime Firm and for each subconsultant.

ATTACHMENT D
N.J.A.C. 19:9-2.8 Procedures for Prequalification and Award of Contracts for
Architectural, Engineering and Land Surveying Services

(a) This section shall apply to contracts for architectural, engineering, and land surveying services that are not subject to N.J.A.C. 19:9-2.2(d), 2.3, or 2.5. The Authority may choose to apply this section to contracts below the public bidding threshold as set forth in N.J.S.A. 27:23-6.1.b in its sole discretion. The Authority may use procurement processes other than those prescribed in this section if those processes have been approved by the Federal government or other State statute, rule, or executive order, or if an emergency has been declared by the Executive Director. Where a procurement involves the proposed use of Federal funds, and Federal law, regulations, or guidelines require a procurement procedure other than those prescribed in this section, the Authority shall follow the Federal procedures. All procedures provided for herein that are consistent with Federal requirements shall be followed.

(b) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

"Complex projects" means projects other than "simple projects," and includes most projects involving transportation, planning or complex design, or any project having an estimated fee over \$ 2,000,000.

"Director" means either the Chief Engineer, Director of Operations, or Director of Maintenance, depending on whether the contract emanates from the Engineering Department, Operations Department, or the Maintenance Department.

"EOI" means an expression of interest from firms interested in performing professional architectural, engineering and land surveying services for the Authority.

"Firm" means any individual, firm, partnership, corporation, association, joint venture or other legal entity permitted by law to provide professional architectural, engineering or land surveying services in this State.

"Professional architectural, engineering, and land surveying services" means those services, including, but not limited to, planning, design, environmental, and construction inspection services required for the development and construction of projects, within the scope of the practice of architecture, professional engineering, or professional land surveying as defined by the laws of this State or those services performed by an architect, professional engineer, or professional land surveyor in connection with his or her professional employment practice, and which are subject to N.J.S.A. 52:34-9.1 et seq.

"Review committee" means the committee assigned to review a contract for professional architectural, engineering and land surveying services, which shall include at least three persons designated by the Director and approved by the Executive Director.

"Simple projects" means projects or other engineering services where the scope can be clearly defined and is not likely to change during the course of the project where the estimated fee is \$ 2,000,000 or less. Simple projects include, but are not limited to, bridge inspection projects, supervision of construction projects and highway and bridge design projects with an estimated fee of \$ 2,000,000 or less.

"Technical Review Committee" means the committee assigned to review a contract for professional architectural, engineering, and land surveying services, which shall include at least three persons designated by the Director and approved by the Executive Director.

(c) Professional services prequalification requirements shall be as follows:

1. A firm interested in a contract for professional architectural, engineering, or land surveying services shall complete and file a "Professional Service Prequalification Questionnaire" ("PSPQ") with the Authority. Firms qualified for a particular type of project based on the Authority's evaluation of the PSPQs will be eligible for consideration when such projects are being contracted for by the Authority without having to present their qualifications on a project-specific basis.
2. For the procurement of general consultants, rather than a project-specific procurement, the procedures relating to prequalification of firms may be modified to address the needs and requirements of the Authority.
3. Each firm shall identify on the PSPQ each type of work for which the firm desires prequalification. All PSPQs shall contain the following information:
 - i. Current and past projects undertaken by the firm;
 - ii. The nature of services provided on each project;
 - iii. The qualifications of the professionals employed by the firm; and
 - iv. Other information which the Authority may determine necessary to assess the firm's qualifications.
4. A firm shall notify the Authority in writing of any substantial change in the information on its PSPQ when such change occurs. A firm shall have a current PSPQ on file with the Authority on the date of the EOI submittal in order to be considered for a project. For purposes of this section, a current PSPQ is one which has been on file with the Authority for no more than 24 months.

(d) Expression of interest (EOI) solicitation and/or advertisement shall be as follows:

- (a) A Request for EOIs (RFEOI) shall be advertised in an appropriate newspaper or journal, having a large circulation in the State and/or advertised on the Authority's website, www.nj.gov/turnpike, or through other electronic means. Such advertisements shall be published not less than seven calendar days preceding the date upon which the EOIs are to be received. The RFEOI shall identify the scope of services required from the prequalified firms and the evaluation process to be used for the project. When the Authority seeks to engage more than one firm through a single RFEOI, the number of firms that the Authority intends to engage shall be identified in the RFEOI.
- (b) When general consultant services are needed, the Authority shall establish a list of criteria that firms must meet in order to be sent an RFEOI for the general consultant contract. Firms that meet such criteria shall be sent an RFEOI.

(e) Evaluation of EOIs shall be as follows:

1. Upon receipt of the EOIs, the Authority shall review the EOIs for completeness and shall reject those EOIs which are incomplete. The Authority shall notify all firms whose EOIs are determined to be incomplete in writing. For all projects, if fewer than three EOIs are deemed complete, the EOI solicitation may be rewritten and/or re-solicited, or the procurement may continue with fewer than three firms, as determined by the Executive Director, in consultation with the Director.

2. For simple projects, the technical evaluation process shall consist of the evaluation of EOIs in accordance with the procedures set forth in this section.
3. For complex projects, the evaluation of EOIs shall serve as a method by which to create a list of firms that shall receive the requests for proposals (RFP) for the project. If only three or four EOIs have been deemed complete by the Authority, these firms shall receive the RFP and the Technical Review Committee will not conduct an evaluation of the EOIs as set forth below. If more than four EOIs have been deemed complete, the EOIs shall be submitted to the Technical Review Committee for review as set forth in (e)4 below.
4. The EOIs shall be ranked by the Technical Review Committee on the basis of numerical scores resulting from weighted rating factors. These factors will be weighted in proportion to their relative importance on a project-by-project basis. The relative weight attributed to each rating factor for a particular project and the ranking methodology shall be set forth in the RFEOI. In ranking the EOIs, the Technical Review Committee may consider criteria contained in the RFEOI, including, but not limited to:
 - i. Experience of the firm on similar projects;
 - ii. Experience of the Project Manager or Resident Engineer on similar projects;
 - iii. Key personnel's qualifications and relevant experience;
 - iv. Understanding of the project and the Authority's needs;
 - v. Approach to the project;
 - vi. Commitment and ability to perform the proposed work and outstanding work with the Authority;
 - vii. Commitment to quality management;
 - viii. Attainment of Small Business Enterprise goals; and
 - ix. Any other factors specified in the Authority's EOI solicitation.
5. For simple projects, once the Technical Review Committee has ranked the EOIs, it shall require the top three or more technically ranked firms, which number of firms shall be at the discretion of the Director, to provide their proposed fees in a separate envelope. The firms shall not be told of their ranking position at this time. The selection process shall continue in the manner described in (g) below. If a particular simple project warrants, the Director may elect to issue an RFP and the selection process shall proceed in accordance with the process for complex projects.
6. For complex projects, after the evaluation and ranking of the EOIs, no fewer than the top three ranked firms shall receive an RFP. All firms that are not to receive the RFP shall be notified.
7. When the Authority is seeking to engage more than one firm through a single solicitation of EOIs, following the Technical Review Committee's evaluation of the EOIs, it shall prepare a list of a sufficient number of technically qualified firms to enable the Authority to engage the number of firms identified in the RFEOI. If the Technical Review Committee is unable to prepare a list of technically qualified firms in a sufficient number to negotiate with and engage the number of firms identified in the RFEOI, the Authority shall reduce the number of firms it is seeking to engage through the EOI, and/or reissue the RFEOI in whole or in part. The Technical Review Committee shall negotiate with firms in the same manner as described in (g) below.

(f) Requests for Proposals (RFPs) shall be evaluated as follows:

1. Responses to the RFP shall be comprised of the technical proposal and fee proposal. The firms receiving the RFP shall be directed to submit a detailed fee proposal in a separate sealed envelope at the time of submission of the technical proposal.
2. The Technical Review Committee shall evaluate the technical proposals submitted to the Authority. The Technical Review Committee shall rank the technical proposals on the basis of numerical scores using the rating criteria specified in the RFP. The relative weight attributed to each rating factor and the methodology for ranking firms shall be set forth in the RFP.
3. The Technical Review Committee may require an interview and/or presentation by the firms with the highest ranked proposals. The Director, in his or her discretion, may waive this requirement for a particular project. Subsequent to the interview and/or presentation, the Technical Review Committee shall revisit its technical ranking of the firms, re-score as appropriate and shall thereupon recommend the highest ranked firms to the Director, or the Executive Director if the Director was a member of the Technical Review Committee.

(g) Cost negotiation and final selection shall be as follows:

1. For all projects, upon reviewing the Technical Review Committee's recommendation, the Director or the Executive Director shall either concur with the selections or direct the Technical Review Committee to pursue additional evaluation measures, consistent with the EOI solicitation or RFP, which shall be specified in writing by the Director or the Executive Director.
2. Once the selections are approved, the selected firms' fee proposals will be reviewed by the Technical Review Committee. The Executive Director may add one or more persons to the Technical Review Committee to assist in the negotiation process. Using all fee proposals and the engineer's estimate as a guideline, the Technical Review Committee shall negotiate a fair and reasonable fee with the highest technically ranked firm, taking into consideration all relevant factors, including, but not limited to, the estimated value of the services to be rendered and the scope, complexity, and professional nature thereof. If the Technical Review Committee is unable to negotiate a fair and reasonable fee with the highest technically ranked firm, it shall formally terminate negotiations and undertake negotiations with the second highest technically ranked firm. Failing accord with the second highest technically ranked firm, the Technical Review Committee shall formally terminate negotiations and undertake negotiations with the third highest technically ranked firm. If the Technical Review Committee is unable to negotiate successfully with any of the three highest technically ranked firms, it shall select additional professional firms in order of their competence and qualifications and it shall continue negotiations in accordance with the procedure set forth herein until an agreement is reached. The Executive Director, upon consultation with the Director, may direct the Technical Review Committee to re-solicit the contract. Once a final fee is agreed upon, the Technical Review Committee shall make its recommendation to the Director.
3. The Technical Review Committee in consultation with the Director shall prepare a written report outlining its recommendations and activities in reviewing, negotiating, and selecting the recommended firm. The Director shall submit the Technical Review Committee's report to the Executive Director.
4. If the Executive Director concurs with the recommendation, the Executive Director shall recommend to the Board, in writing, that the firm be issued an Order for Professional Service.

5. If the Executive Director is not satisfied with the recommendation, he or she may:
 - i. Instruct the Technical Review Committee to submit further support for its recommendation;
 - ii. Direct the Technical Review Committee to re-negotiate the fee; or
 - iii. Instruct the Director to re-solicit the contract.

N.J. Admin. Code § 19:9-2.8
Amended by 49 N.J.R. 3236(b), effective 9/18/2017