

New Jersey Turnpike Authority

P.O. Box 5042, Woodbridge, NJ 07095



April 02, 2024

Document Change Announcement

2016 Standard Supplementary Specifications Prohibited Activities in Russia and Belarus Update DCA2024SS-03

Subject: Revisions to

**Section 102 Bidding Requirements and Conditions, Subsection 102.09 Submitting Proposals
102.21 Prohibited Activities in Russia or Belarus**

Description of Change:

All prospective contractors must complete a State-issued form titled "Certification of Non-involvement in Prohibited Activities in Russia or Belarus" pursuant to N.J.S.A. 52:32-60.1 and submit it with their electronic bid.

Notice to New Jersey Turnpike Authority Staff and Design Consultants

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

The revisions may be accessed on the Authority's webpage:

<https://www.njta.com/doing-business/professional-services>

Recommended By:

Handwritten signature of Lamis T. Malak in blue ink.

Lamis T. Malak, P.E.
Deputy Chief Engineer - Design

Handwritten signature of Daniel Hesslein in blue ink.

Daniel Hesslein, P.E.
Deputy Chief Engineer - Construction

Approved By:

Handwritten signature of Michael Garofalo in blue ink.

Michael Garofalo, P.E.
Chief Engineer

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

102.09 Submitting Proposals

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

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

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

The following documents shall be submitted with the Proposal:

- (A) Scheduled Items of Work and associated bid prices.
- (B) Bidder's Certification indicating the authorized representative of the firm who is submitting the Proposal.
- (C) Disclosure Statement indicating firm ownership in compliance with N.J.S.A. 52:25-24.2.
- (D) Non-Collusion Certification.
- (E) Prequalification Certification.
- (F) The Proposal Guaranty, Consent of Surety, and Power of Attorney.
- (G) Acknowledgment of Addenda, if issued.
- (H) Source Disclosure Form, pursuant to the requirements of Subsection 102.23..
- (I) Set-Off for State Tax Form, pursuant to N.J.S.A. 54:49-20.

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

- (J) Certification of Business Registration as required pursuant to N.J.S.A. 52:32-44.
- (K) Valid Public Works Contractor Registration certificate(s) for the Bidder, and all joint venture entities if applicable, pursuant to the requirements of Subsection 102.15.
- (L) Certification of Non-Debarment form provided by the Authority, pursuant to N.J.S.A. 52:32-44.1.
- (M) [Certification of Non-Involvement In Prohibited Activities in Russia or Belarus form provided by the Authority, pursuant to N.J.S.A. 52:32-60.1 et seq.](#)
- ~~(N)~~ Disclosure of Investment Activities in Iran form provided by the Authority, pursuant to N.J.S.A. 52:32-58.

Add the following Subsection:

102.21 Prohibited Activities in Russia or Belarus

~~N.J.S.A. 52:32-60.1 et seq. (P.L. 2022, c.3) states that prior to contract award, the awardee must certify that neither the awardee, nor any of its parents, subsidiaries, or affiliates, have engaged in prohibited activities in Russia or Belarus. However, the enforceability of N.J.S.A. 52:32-60.1 et seq. has recently been challenged in the United States District Court for the District of New Jersey. While the State of New Jersey continues to defend the law in court, the certification requirement has been voluntarily suspended pending the outcome of the legal challenge. If the legal challenge is resolved in the State's favor prior to the deadline for submission of Proposals under this procurement, the Authority may issue an addendum requiring~~

~~submission of a form entitled "Certification of Non-Involvement in Prohibited Activities in Russia or Belarus."~~

~~N.J.S.A. 52:32-60.1 et seq. (P.L. 2022, C.3) (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 State of New Jersey has revised its Certification of Non-Involvement In Prohibited Activities in Russia or Belarus form. Accordingly, prior to entering into the Contract, Bidders shall be required to complete and submit to the Authority the revised form entitled "Certification of Non-Involvement In Prohibited Activities in Russia or Belarus"-.~~



**NEW JERSEY TURNPIKE AUTHORITY
CERTIFICATION OF NON-INVOLVEMENT IN
PROHIBITED ACTIVITIES IN RUSSIA OR BELARUS**

CONTRACT NO. _____

Pursuant to N.J.S.A. 52:32-60.1, et seq. ([L. 2022, c. 3](#)) any person or entity (hereinafter "Vendor") that seeks to enter into or renew a contract with the New Jersey Turnpike Authority ("NJTA") for the provision of goods or services, or the purchase of bonds or other obligations, must complete the certification below indicating whether or not the Vendor is identified on the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, available here: <https://sanctionssearch.ofac.treas.gov/>. If the NJTA finds that a Vendor has made a certification in violation of the law, it shall take any 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.

I, the undersigned, certify that I have read the definition of "Vendor" below, and have reviewed the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, and having done so certify:

(Check the Appropriate Box)

A. That the Vendor is not identified on the [OFAC Specially Designated Nationals and Blocked Persons list on account of activity related to Russia and/or Belarus](#).

OR

B. That I am unable to certify as to "A" above, because the Vendor is identified on the [OFAC Specially Designated Nationals and Blocked Persons list on account of activity related to Russia and/or Belarus](#).

OR

C. That I am unable to certify as to "A" above, because the Vendor is identified on the [OFAC Specially Designated Nationals and Blocked Persons list](#). However, the Vendor is engaged in activity related to Russia and/or Belarus consistent with federal law, regulation, license or exemption. A detailed description of how the Vendor's activity related to Russia and/or Belarus is consistent with federal law is set forth below.

(Attach Additional Sheets If Necessary.)

Signature of Vendor's Authorized Representative

Date

Print Name and Title of Vendor's Authorized Representative

Vendor's FEIN

Vendor's Name

Vendor's Phone Number

Vendor's Address (Street Address)

Vendor's Fax Number

Vendor's Address (City/State/Zip Code)

Vendor's Email Address

ⁱ Vendor means: (1) A natural person, corporation, company, limited partnership, limited liability partnership, limited liability company, business association, sole proprietorship, joint venture, partnership, society, trust, or any other nongovernmental entity, organization, or group; (2) Any governmental entity or instrumentality of a government, including a multilateral development institution, as defined in Section 1701(c)(3) of the International Financial Institutions Act, 22 U.S.C. 262r(c)(3); or (3) Any parent, successor, subunit, direct or indirect subsidiary, or any entity under common ownership or control with, any entity described in paragraph (1) or (2).