

March 6, 2025

**To: ALL QUALIFIED FIRMS**

**Subject: REQUEST FOR EXPRESSIONS OF INTEREST  
ORDER FOR PROFESSIONAL SERVICES NO. P3885  
DESIGN SERVICES FOR CONTRACT NO. P200.716  
OPERATIONAL IMPROVEMENTS, MILEPOST 78.8 TO 84.5**

Enclosed herewith is a Request for Expressions of Interest ("RFEOI") by the New Jersey Turnpike Authority (Authority) for professional engineering services required for final design services required for the preparation of contract documents including plans, specifications, construction schedule and engineer's estimate for Contract No. P200.716, Operational Improvements on the Garden State Parkway (Parkway) from Milepost 78.8 to 84.5 (See Attachment B). In accordance with N.J.A.C. 19:9-2.8(b), this Order for Professional Services ("OPS") is considered a Complex 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 Codes:

Profile Codes	Descriptions
A090	Bridges: New
A250	Fully Controlled Access Highways
A252	Complex Interchanges

A Qualified Firm, eligible to submit an EOI for this RFEOI solicitation, is one that has a **current approved** "Professional Service Prequalification Questionnaire" ("PSPQ") package on file with the Authority at the time of the EOI submission. A current approved PSPQ is one that has been on file with the Authority for no more than 24 months, or in certain cases for not more than 12 months as per N.J.A.C. 19-9-2.8(c).

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 B (Subsection B5)). \*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 Successful Qualified Firm ("Firm") that is awarded a contract under this RFEOI. 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 and 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. 19:44A-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 Firm only. The relevant forms will be transmitted to the 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 Submission Requirements (Subsection A1)
- ATTACHMENT B - Procurement Information and Scope of Services (Subsections B1 through B5)
- ATTACHMENT C - Standard Supplemental Information and Forms (Subsections C1 through C14)
- ATTACHMENT D - N.J.A.C. 19:9-2.8 Procedure for Prequalification and Award of Contracts for Architectural, Engineering and Land Surveying Services

### **STAFF QUALIFICATIONS**

It will be the 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*".

### **PROJECT DESCRIPTION**

The New Jersey Turnpike Authority's Capital Improvement Program is comprised of a variety of projects to improve operational safety, infrastructure maintenance and operational improvements for the motoring public as well as the overall health, safety and welfare of workers and the public who utilize the various facilities that are owned and operated by the Authority. The Authority is proposing operational improvements on the Parkway in the vicinity of Interchanges 80-83. This project will improve the Parkway geometry to meet current design standards, where feasible. The proposed improvements include continuous auxiliary lanes to reduce queuing delays and minimize substandard weaves as well as a collector-distributor road (service roads) to physically separate local ramp traffic from the Parkway mainline traffic. Interchange 80 will include adding new southbound entrance ramp to the Parkway and a new northbound exit ramp. Retaining walls are required, when deemed appropriate, to minimize impacts to adjacent properties and environmental resources. Other project improvements include replacement of guide rail, drainage system upgrades, overhead and cantilever sign structures and possible noise walls. Stormwater management was initiated during preliminary engineering to meet New Jersey Department of Environmental Protection and Pinelands regulations.

The contract limits extend between Milepost 78.8 to Milepost 84.5. The project is within Toms River and Berkeley Townships and South Toms River and Beachwood Boroughs. Within the project limits the Parkway intersects the local roadway network at Interchanges (80, 81, 82/82A) which are closely spaced. It is the Authority's intent to improve safety and the operations of the Parkway Interchanges and ramps connecting to State and County roadways.

The preliminary engineering design and initial environmental services for the project are complete. The conditional permit has been issued on February 27, 2025 by the NJDEP Watershed and Land Management.

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 RFEI 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](mailto:jromero@njta.com). The subject line should read "OPS No. P3885, Kiteworks Information".

### **SUBMISSION REQUIREMENTS FOR EXPRESSION OF INTEREST**

Qualified Firms that are interested in being considered to perform these services as specified in the RFEI, must submit a total of **five (5)** EOIs, no later than **10:00 a.m. on Thursday, March 27, 2025** as follows: **One (1) PDF** copy uploaded to the "EOI" folder in Kiteworks and in accordance with the following naming convention: "OPS No. P3885\_EOI\_Firm Name"; and **four (4) hard copies** (one (1) original with cover clearly marked "**Original**" and three (3) copies) of the EOI shall be delivered to the Authority's Headquarters with the package clearly labeled with the Qualified Firm's name and the words, "**EOI, OPS No. P3885**", no later than the date and time referenced above. **Late submissions will not be considered** and will be returned unopened.

Expressions of Interest received by the date and time specified above, will be publicly opened via conference call only on submission closing date. Conference call details will be made 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 time specified 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**  
**Vincent Mignella P.E.**

#### **U.S. Mail**

**New Jersey Turnpike Authority**  
**P.O. Box 5042**  
**Woodbridge, NJ 07095-5042**  
**Attn: Engineering Department, Highway Design**  
**Vincent Mignella P.E.**

### **INQUIRIES**

Inquiries pertaining to this RFEI are to be directed in writing to Vincent Mignella, via e-mail [mignella@njta.com](mailto:mignella@njta.com) with a copy to Dawn Margolis and email at [margolis@njta.com](mailto:margolis@njta.com). The subject line should read "OPS No. P3885, EOI Inquiry". **The deadline for inquiries is Tuesday, March 18, 2025.** 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 Thursday, March 20, 2025.**

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

### **FIRM SELECTION**

Upon receipt of the EOLs, 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 EOLs that are incomplete. The Authority shall notify all Firms whose EOLs are determined to be incomplete in writing.

Once the EOLs have been evaluated for completeness, the Authority will create a list of Firms that shall receive the Request for Technical and Sealed Fee Proposals ("RFP"). A Review Committee will evaluate the technical qualifications and experience of each Firm and its project team and will rank the Firms. The evaluation and ranking of the EOLs will serve as a method by which to create a list of Firms most highly qualified to perform the project, in accordance with N.J.A.C. 19:9-2.8(e), who will receive an RFP. Final selection shall be made in accordance with N.J.A.C. 19:9-2.8(g).

EOLs 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:

	<b>RATING FACTORS</b>	<b>WEIGHT (%)</b>	<b>POINTS</b>
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 that demonstrates its performance of services similar to 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) from which the work was performed, the date (time frame) the services were performed, magnitude and cost of the project, as well as contact/reference information for each project listed.

The Qualified Firm is required to submit a completed Recent Project Experience Form listing all projects, with the Authority as well as referenced clients provided in the letter of interest, on which the Qualified Firm is currently working, or that have been completed (closed out) within the previous three (3) year period. A separate form shall be provided for the 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 RFEOI 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 submitted resume of the proposed Project Manager, 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 submitted resumes of proposed key personnel 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 submitted organizational chart and resumes identify the person(s), or subconsultant(s), responsible for each division of the assignment and their relevant experience.

**a. 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.

b. 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.

c. Reasonableness of Staffing Estimate

The Qualified Firm shall demonstrate through its submitted 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.

a. 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.

b. 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 and 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 and 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**

The final OPS Agreement to be awarded and issued to the Firm shall be in a form consistent with the Authority's Standard OPS Agreement for Complex projects (which is available on the Authority's website: <https://www.njta.com/doing-business/ps-supplemental-forms>).

Very truly yours,

**ORIGINAL SIGNED BY**

Daniel L. Hesslein  
Chief Engineer

DLH:VM:dmm  
Attachments

c: L.T. Malak  
L.K. Navarro  
V. Mignella  
Review Committee  
File, w/att.

**ATTACHMENT A**  
**Expressions of Interest Submission Requirements**

**Subsection No. and Title**

1. Expressions of Interest Submission Requirements



**Subsection A1**  
**Expression of Interest Submission Requirements**

The EOI submission is limited to a maximum of **nineteen (19)** pages. This page limitation does not include the documents listed in Items 3-7 below. Only 8.5x11 inch letter-sized pages are permitted unless otherwise noted below.

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

1. **Letter of Interest (5 pages):** Letter of interest shall be limited to a total of five (5) single-sided, pages with minimum 11 pt font size. The letter should state the Qualified Firm's interest, ability, and its commitment to complete the requested professional services listed in Attachment B(Subsection B2), "Scope of Services". Additionally, it should detail, in order, the Qualified Firm's ability to meet the eight rating factors in the above-referenced "Firm Selection" section.

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

2. **Resumes (up to 7, each resume 2 pages in length maximum):** Each resume for the Project Manager, Key Personnel team members, and proposed subconsultants should be on up to two (2) single-sided pages. Resumes should detail relevant experience, professional/technical qualifications, and include dates for each project listed.
3. **Organizational Chart:** An organizational chart displaying key project team members for all primary tasks, including subconsultants. Provide names, titles, and reporting relationships for all team members. An 11x17 inch foldout page is permitted.
4. **Staffing Estimate:** The detailed staffing estimate for the work described herein shall include each task, by ASCE Grade/Classification, along with an estimate of total hours. An 11x17 inch foldout page is permitted.
5. **Project Schedule:** A project schedule for this solicitation shall address the various tasks defined by the scope of services for this assignment. A maximum of two (2) 11x17 inch foldout sheets are permitted.
6. **Proposed Staff:** When proposing the same staff in multiple EOIs, the Qualified Firm must disclose one of the following:
  - a. A statement that all projects utilizing the same staff will be completed on time and include the plan for how that will be accomplished;
  - b. A statement that the Qualified Firm voluntarily withdraws from consideration for other EOIs 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 additional pages allowed shall include:

- i. 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).
- ii. One (1) single-sided, letter-sized page resume for up to seven (7) alternative key project personnel stating relevant experience including dates of assignments and professional qualifications.
- iii. Allowance for one (1) single-sided, letter-sized page, if necessary, to explain the Qualified Firm's modified approach to the project if it would be handled differently as a result of utilizing the alternate personnel.

Choosing option 6(c) above will add an additional eight (8) single-sided, letter-sized pages for alternate staff, thus increasing the maximum page allowance to twenty (20) pages (not including Items 3-7 above).

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Operational Improvements, Milepost 78.8 to 84.5

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The Qualified Firm shall not include alternate staffing in their EOI unless they are required to do so in accordance with option 6(c) above. When appropriately included in the EOI, the proposed alternate 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.

7. Completed Required Forms as set forth in Attachment C (Subsection C13), "Forms Required 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.

**ATTACHMENT B**  
**Procurement Information and Scope of Services**

**Subsection No. and Title**

- B1. OPS Procurement Schedule and Anticipated Project Schedule
- B2. Scope of Services
- B3. Staffing Estimate
- B4. Compensation Basis
- B5. Qualified and Eligible Firms

**Subsection B1**  
**OPS Procurement Schedule**

Request for Expressions of Interest Posted .....	March 6, 2025
Deadline for Written Inquiries.....	March 18, 2025
Posted Responses to Inquiries .....	March 20, 2025
Deadline for Submittal of Expressions of Interest .....	March 27, 2025
Request for Technical and Sealed Fee Proposals .....	April 15, 2025
Deadline for Submittal of Technical Proposals .....	May 6, 2025
Notice of Scheduled Oral Presentations .....	May 22, 2025
Oral Presentation, If Required .....	May 29, 2025
Recommendation to Award OPS .....	June 24, 2025

**Anticipated OPS Project Schedule**

Notice to Proceed .....	August 2025
Phase D Submission .....	July 2027
Completion of all Services .....	October 2031
Administration Project Closeout .....	December 2031

**Subsection B2**  
**Scope of Services**

**INTRODUCTION**

OPS No. P3885 is for professional engineering final design services for operational improvements between Interchanges 80 to 83, Milepost 78.8 to 84.5 in accordance with the permits expected to be secured during the preliminary engineering and environmental permitting phase, the associated preliminary plans, technical memorandums, and studies.

Safety and operational improvements to this area are necessary to be consistent with the other safety improvements completed along the Parkway as part of past Capital Improvement Programs. This project provides for the construction of standard (12-foot) width left and right shoulders, multiple bridge replacements, ramp geometry, drainage, lighting, guide rail and other roadside area improvements.

The Authority performed conceptual studies during preliminary engineering and pursued environmental permit approvals for the Operational Improvements on the Parkway to provide a Collector Distributor Road parallel to the mainline as well as full shoulders on both the northbound and southbound roadways between the Interchanges. Missing entry and exit movements are proposed to complete Interchange 80. These Conceptual Plans were reviewed and through initial stakeholder coordination the Authority selected the Preferred Alternative to advance to final design. The improvements for the Parkway Milepost 78.8 to 84.5 corridor complete the link between the improvements completed as part of the Milepost 30 to 80 Widening Program and Milepost 83 to 99 Shoulder Widening Program.

The preferred alternative design was advanced to a level to secure environmental and other regulatory permits. All design work and environmental studies have been completed in preparation of the CAFRA/EO215 EIS report. Therefore, major environmental permit applications for the Interchange Improvements are not required as the Authority submitted all the major permits required for the operational improvements of the Parkway from Interchange 80 to 83 and the Conditional Permit has been issued on February 27, 2025 by the NJDEP Watershed and Land Management.

In general, the required services for the Parkway Interchange Improvements include final design services for the preparation of complete construction contract documents; preparation of final utility orders; preparation of final Right-of-Way documents preparation of public forum documents, development of project schedules, specifications, engineers estimate and spending plans; post design services including shop drawing review; as well as other ancillary activities for the total performance of this assignment.

**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, latest Standard and Supplemental Specifications, Manual for Traffic Control in Work Zones. All Standard publications and drawings are available on the Authority's website at [www.njta.com](http://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.

### **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.

1. Preliminary Design Review

In 2021, the Authority engaged Greenman-Pedersen, Inc. (GPI), Inc. to provide the Authority with professional services for the Conceptual and Preliminary Engineering, and Environmental Permitting Services. Therefore prior to the development of **Phase B** plans, as described in the Authority's Procedure Manual, the Successful Qualified Firm shall verify in all respects the accuracy of the Preliminary Design, including but not limited to the Phase A Plans and the Preliminary Design (PD) Report (provided as reference material).

2. Final Design

The services furnished for final 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 Procedure Manuals.

- a. Survey / Mapping

At the commencement of this OPS, the Authority will furnish the Successful Qualified Firm, at no cost, the base mapping for the project corridor in MicroStation V8 format (latest edition), a survey control report and the digital terrain model prepared from recent low-level photogrammetry. Control monuments used to develop the mapping will be provided through the project limits.

The Successful Qualified Firm shall supplement the base mapping with field surveys as needed to obtain the required accuracy for the preparation of the final contract documents, in accordance with the latest NJTA Procedures Manual and CADD standards. Supplemental survey to be completed by the Successful Qualified Firm includes but is not limited to surveys of drainage facilities, location of utilities, establishment of supplemental control points, under bridge surveys and other incidental survey work as may be required to complete the design. The Successful Qualified Firm shall be responsible to provide traffic control during all required field work, including but not limited to survey field work.

- b. Right-of-Way and Agreements

The proposed Right-of-Way impacts are summarized in the PD Report provided as reference material. The Successful Qualified Firm shall prepare final Right-of-Way acquisition documents, for permanent or temporary impacts, if required. Right-of-Way for construction access and environmental mitigation shall be considered in the development of Right-of-Way documents. Management of all Right-of-Way documentation shall be completed through the Authority's PAECETrak System. The Successful Qualified Firm shall identify staff to be provided PAECETrak training.

Preliminary Right-of-Way plans were prepared during preliminary design. The final Right-of-Way plans and documents shall be prepared in accordance with the Authority's Design Manual and in accordance with Section 9 and other sections of the Authority's Procedures Manual. Right-of-Way documents shall comply with the New Jersey Recordation Act (formerly Map Filing Law). Based on the preliminary assessment, the proposed improvements impact twenty-one (21) properties.

The preparation of final Right-of-Way documents shall be accelerated in the early stages of design to the extent possible in coordination with the Authority's Right-of-Way acquisition team to facilitate the land acquisition process, if required. The right-of-way strategy will be discussed with the Successful Qualified Firm at the kickoff meeting.

The Successful Qualified Firm shall prepare preliminary and final jurisdictional agreement(s) and map(s) for improvements at the affected areas of the project, outlining the jurisdictional responsibilities of the Authority, State, Counties, and Municipalities at an appropriate scale satisfactory to the Authority Jurisdictional Agreements for maintenance, Memorandum of Agreements (MOA), and any other agreements (such as traffic signal ownership agreements, etc.) to be completed and fully executed by the Phase C submission. The Successful Qualified Firm shall prepare the Exhibits necessary for each Agreement and shall assist the Authority as needed. Updated agreements are required for all local, county and state road crossings within the limits of this OPS.

c. Maintenance And Protection of Traffic (MPT)

MPT on the Parkway shall be designed in accordance with the criteria outlined in the Authority's Design Manual, latest MPT Standard Drawings, Manual for Traffic Control in Work Zones and latest Lane Closure Tables under the Lane Closing Application. MPT on facilities outside of the Authority's jurisdiction shall follow the standards and specifications of the agency with jurisdiction.

Traffic protection plans, profiles 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 meet the approval of the Authority's Operations Department. In the event modifications to toll collection operations are required to implement MPT, these scenarios are to be coordinated with the Tolls and Operations Departments. County and New Jersey Department of Transportation coordination is vital, and they will be included in the review and approvals.

Maintenance of Traffic on routes intersecting the Parkway will need to consider area traffic congestion and limited durations of lane closings. The contract documents are to indicate that MPT shall be performed by the Contractor, and shall include placing, maintaining, patrolling, and removing lane and shoulder closings. Signs, sign stands, and traffic cones will be supplied by the Contractor. Arrow boards, variable message signs and truck mounted attenuators (TMAs) shall be furnished, operated, and maintained by the Contractor.

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, New Jersey Department of Transportation (NJDOT), or the impacted County or municipality, during the design process, so that the Contractor is made fully aware of access restrictions for this project.

Following the Phase B Submission and Review, the Successful Qualified Firm shall prepare an 95% MPT Submission (Pre-Phase C) including final traffic control plans, complete MPT specifications and appendices, a construction schedule with backup computations. The plans and specifications shall indicate proposed traffic staging that details concrete construction barrier layout, cone lines, signage, positioning of attenuator systems, line obliteration, temporary line striping, allowable primary and supplemental lane closing hours and details and durations of the construction staging. This submission will be provided to the Authority's design liaison and Operations Department for review. The Successful Qualified Firm will participate in a review meeting with the Operations Department and the Authority's design liaison, and comments received shall be incorporated within the Phase C Submission.

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 or bridge inspection. Refer to Standard Specifications Subparagraph 801.03(A)(6) for TCC requirements and certification, which shall apply to design and bridge inspection tasks involving lane and half ramp closings.

The Successful Qualified Firm shall review proposed construction joint locations to ensure that they will not be located in the permanent wheel paths. Construction joints shall be aligned within 1 foot of permanent lane lines, or within 1 foot of the center of permanent lanes, where feasible. The Successful Qualified Firm shall review proposed bridge framing design for future deck rehabilitation constructability and future MPT capacity. It is the Authority's intention to ensure that future deck rehabilitation can occur without the need to detour traffic to the extent practical.

The Successful Qualified Firm shall develop "Smart Work Zone" plans and specifications as required by the Authority's Operations Department in various MPT schemes where advance patron notification and alternate route advisories are required.

**Shoulder Pavement Evaluation** -The Successful Qualified Firm shall conduct a shoulder pavement assessment where traffic is shifted to the shoulder during construction. Preliminary design performed 29 pavement cores in various locations. If additional pavement cores within the Project limits are required, the Successful Qualified Firm will obtain the additional pavement cores under the boring program during final design. Work shall not commence without approval by the Authority.

d. Environmental Permitting and Mitigation

As part of the preliminary design, environmental constraint plans were prepared, and the limit of disturbance was identified for permitting with the environmental regulatory agencies. Applications for the following Environmental Permits and Approvals for the work between the limits of the Garden State Parkway Interchanges 80 to 83 have been submitted as listed below. These applications have been reviewed and approved by NJDEP Watershed and Land Management with various conditions on February 27, 2025. Copies of all approved permits will be provided to the Successful Qualified Firm. Further coordination with various permitting agencies will be required during final design. Below is a summary of major environmental permit applications submitted:

- New Jersey Department of Environmental Protection: Freshwater Wetlands Individual Permit and Water Quality Certification; CAFRA Individual Permit, Waterfront Development, Coastal Wetlands, Flood Hazard Area Individual Permit, Flood Hazard Area Verification
- NJDEP Flood Hazard Area Hardship Exception Request
- NJDEP Freshwater Wetlands Letter of Interpretation (LOI)
- NJDEP Stormwater Management



- NJDEP Bureau of Tidelands
- New Jersey Pinelands Commission Major Project Application for Public Development
- USCG Bridge Permit Advanced Approval
- USACE (Jurisdictional Determination) / Section 10 and Section 404 Individual Permit
- NJDEP State Historic Preservation Office / Cultural Resources (MOA Required)
- NEPA and Section 106 requirements as needed for the Permits (MOA Required)
- NJDEP Green Acres Major Diversion of Parkland – State House Commission Approval

During final design, the approved permit conditions must be satisfied by the Successful Qualified Firm. The approved permits will identify applicable tree cutting and in-water timing restrictions, as well as mitigation requirements. Design revisions that deviate from the approved permit plans will require an NJDEP permit modification. Mitigation is anticipated for freshwater wetlands, wetland buffers and riparian zones. The Successful Qualified Firm will be responsible to develop a mitigation plan for the Authority's review and concurrence. The mitigation plan will be required to be submitted by the Authority to the NJDEP Mitigation Unit providing the Authority's approach to compliance with the permit mitigation requirements.

The requirements for the N.J.S.A. 13:1L-14.2 et seq. (New Jersey No Net Loss Reforestation Act) have NOT been satisfied during preliminary engineering. The Successful Qualified Firm will be required to evaluate for No Net Loss Reforestation impacts due to previous and new tree clearing required for the specific proposed improvements to satisfy NJDEP Division of Parks and Forestry. The Successful Qualified Firm shall assist the Authority in complying with the No Net Loss Reforestation Act, including preparing deforestation and reforestation plans, and assisting with facilitating and conducting a Public Hearing. The Successful Qualified Firm's services for the No Net Loss Reforestation Act Public Hearing shall include, but not be limited to, arrangements for the facilities, preparing all necessary exhibits and newsletters, virtual accommodations if deemed appropriate, assisting the Authority's personnel with the oral presentation of the project at the hearing, preparing the Final Hearing Report and assisting the Authority in satisfying all No Net Loss Reforestation Act requirements. This effort shall be performed in close coordination with the Authority. No contact shall be made with the public or municipal, county or state officials unless authorized in advance by the Authority.

The Successful Qualified Firm will be required to comply with N.J.A.C. 7:36 Regulating Green Acres Program (GAP). Specifically, in accordance with N.J.A.C. 7:36-26.9, Pre-Application and N.J.A.C. 7:36-26.11 Final Application process. The Successful Qualified Firm shall assist the Authority with State House Commission Approval application process for the Major Diversion of Parkland due to right of way acquisition of GAP encumbered parcels. As part of the pre-application process, the Green Acres Major Diversion Scoping Hearing was held on August 6, 2024.

A Biological Assessment for the Northern Long-Eared Bat to secure final approval with United State Army Corps of Engineers (USACE) / U.S. Fish and Wildlife Service (USFWS) was performed during preliminary design. It is anticipated that USFWS will prepare a Biological Opinion including an Incidental Take Statement which provides USFWS authorization for USACE to approve the permit. The Successful Qualified Firm shall assist the Authority with mitigation measures required per the approval.

The Garden State Parkway is designated as a Historic District and during preliminary design a Phase A Archaeological Survey and Reconnaissance Level Historic Architectural Survey and Phase 1B Archaeological & Intensive Level Architectural Studies was competed. Therefore, the final design shall

require a Memorandum of Agreement prepared and reviewed by the New Jersey Historic Preservation Office (NJHPO) as will be indicated in the conditions of the Environmental Permits.

The General Plan and Elevation for each bridge and relevant information shall be submitted to NJHPO for review and comment following the completion of the Phase B Review.

The Successful Qualified Firm shall ensure that the project design and contract documents comply with the requirements thereof. The Successful Qualified Firm shall investigate and identify the need for any other permits. The preparation of such other permit applications for the proposed project including, but not limited to Road Opening Permits; Soil Erosion and Sediment Control Permits/Plan Certification; Stormwater Construction General Permit (5G3); and ID-27 Soil Disposal and any additional design required by such other permits not listed above will **not** be regarded as Extra Work.

e. Stormwater Management

This Project is considered a “major development”, thus triggering the need for Stormwater Management (SWM) Best Management Practices, such as, but not limited to: bioretention basins, infiltration basins, extended detention basins, and manufactured treatment devices. As part of preliminary design, a comprehensive SWM geotechnical boring program was completed. The details can be found in the PD Report appendix, Geotechnical Engineering Report. Based on the results, potential basin locations were identified and reviewed by various permitting agencies. These basin locations will need to be appropriately designed and sized as part of final design based on the most recent NJDEP SWM regulations and the water quality needs within the respective stream crossing watersheds.

Based on the information provided in the PD Report, the Successful Qualified Firm shall review the preliminary roadway drainage design which addresses the location and size of detention, retention and/or water quality basins, shows the general location of the proposed pipe network and outfall structures. The final design shall satisfy current requirements of the NJDEP’s latest water quality requirements. Temporary drainage structures may be required to maintain positive drainage during staged construction.

The Successful Qualified Firm shall prepare support documentation (“Post Construction Program Design Checklist for Individual Projects” form) necessary for compliance with the Authority’s Stormwater Pollution Prevention Plan for activities associated with the design. The studies shall also investigate drainage during staged construction. A drainage report shall be submitted as part of the Phase B Submission.

The Successful Qualified Firm shall develop drainage studies and final designs, including the investigation of the condition of the major drainage relief structures as noted. The Successful Qualified Firm shall prepare support documentation (“Post Construction Program Design Checklist for Individual Projects” form) necessary for compliance with the Authority’s Stormwater Pollution Prevention Plan for activities associated with the design. The studies shall also investigate drainage during staged construction. A drainage report shall be submitted as part of the Phase B Submission.

f. Utility Engineering

The Successful Qualified Firm shall verify existing utilities within the proposed project area. The summary of anticipated utility impacts is provided as reference material in PD Report which includes the preliminary design findings with regards to utility impacts and the potential costs associated with mitigating these impacts. Utility information shown in the preliminary design documents has been determined based on a review of as-built plans, meetings with utility companies, and field visits on site. The preliminary design

initiated contact with Utility Companies, including the Authority owned fiber optic line maintained by Penta. The fiber optic system is proposed to be relocated outside the new pavement. Utility Orders for preliminary engineering design have been established for utility companies anticipated to be impacted by the project. The Successful Qualified Firm shall be responsible for reviewing this information, obtaining any missing information, identifying new conflicts, and finalizing scheme of accommodations to address utility impacts and future utility installations including any betterment, abandonment, or removal of existing facilities that are under consideration by the utility companies.

Utility relocation work shall be designed in accordance with Authority's Procedures Manual Section 7. Where feasible, eliminate overhead wire across the Parkway, remove utility conduits from bridges and provide underground conduit systems.

Successful Qualified Firm shall be responsible to provide for and plan to undertake any and all activities necessary for test pits to verify the location of major utilities that may be impacted by the design. All costs, including test pits, site inspection, maintenance, and protection of traffic, etc., associated with this work shall be included in the Successful Qualified Firm fee proposal as a direct expense.

g. Structural Design

The Successful Qualified Firm shall design for the full replacement (superstructure/substructure) of the existing bridges listed below:

- Parkway Northbound / Southbound over Dover Road (CR 530) – Structure No. 80.8
- Parkway Northbound / Southbound over Magnolia Avenue (CR 109) – Structure No. 81.2
- Parkway Northbound / Southbound over Toms River – Structure No. 81.4
- Parkway Northbound / Southbound over Conrail (Abandoned) – Structure No. 81.5
- Lakehurst Road over Parkway Northbound / Southbound – Structure No. 81.8
- Parkway Northbound over NJ Route 37 – Structure No. 82.3N
- Parkway Southbound over NJ Route 37 – Structure No. 82.3S

Structural design recommendations are provided in the Bridge Structures Analysis Report which can be found in the PD Report appendix. Bridge borings were completed during preliminary design. The roadway cross-section on the structures listed above should be designed in accordance with the Preliminary Design plans presented in reference material. Coordination with SHPO will be required.

The Successful Qualified Firm shall consider the location of required longitudinal construction joints and how they are joined together with each stage of work. Load rating calculations using the LRFR methodology shall be performed in accordance with the following requirements and guidelines: American Association of State Highway and Transportation Officials (AASHTO) Manual for Bridge Evaluation, 3rd Edition, 2018, including Interims; New Jersey Turnpike Authority LRFR Load Rating Manual, Version 9.7, January 2022, or latest edition.

The Successful Qualified Firm shall provide final engineering design calculations and LRFR load ratings for the new structures, in accordance with NJTA's Load Rating Manual (current version).

The Successful Qualified Firm shall design repairs necessary for the maintenance of the existing bridge decks for their entirety, throughout the duration of the respective construction contracts. Provisions shall be included in the contract documents for such repairs to be performed before and during the actual staged construction. Provisions shall be included in the contract documents for partial and full depth deck panel and spall repairs, headblock repairs, deck joint header repairs, and resurfacing performed as required on an emergency basis for the contract bridges. Provisions shall be included in the contract documents for cementitious and asphalt surfacing repairs.

The Successful Qualified Firm shall include specific contract requirements to protect all structures, roadways, utilities, right of way or property of others, waterways, and facilities beneath the work site. The catch system shall be a closed system and the limits shall be clearly delineated on the contract drawings. No debris shall be allowed to fall onto the roadways below. The Successful Qualified Firm shall also assess the need for supplemental protection of structural steel during demolition, formwork installation, concrete placement, and any other operations that may cause damage.

The Successful Qualified Firm shall evaluate and specify allowable equipment, means and methods for the superstructure removal operations, in order to eliminate those which may damage the existing substructure. The contract drawings shall identify all project areas where provisions for noise and dust control are required, as well as staging areas for equipment, storage, and disposal of materials. Methods and locations for disposal of removed materials and debris shall be included in the contract drawings and specifications. The Successful Qualified Firm shall specify the disposal of concrete, asphalt, and other debris off of the Authority's property.

Preliminary Design proposed approximately 33 proposed sign structures. For this assignment, assume 18 proposed cantilever and 15 proposed overhead sign structures are required for design. Drilled shafts will be required. Borings for proposed sign structures will be required during final design.

The Successful Qualified Firm shall design for and include in the Contract Documents retaining walls where shown in the Preliminary Design plans. Borings for proposed retaining walls will be required during final design. Retaining wall limits may be modified during final design. The Authority's preferred retaining wall type is conventional cast in place concrete semi-gravity retaining walls. Design of Mechanically Stabilized Earth retaining walls will NOT be permitted in this OPS. The Successful Qualified Firm shall provide final engineering design calculations and LRFR load ratings for the new structures, in accordance with NJTA's Load Rating Manual (current version).

A detailed air quality and traffic noise assessment has been conducted during preliminary design and noise barriers are anticipated. The noise study report will be provided to the Successful Qualified Firm after award. Noise barriers are currently being evaluated and approximately 8,500 linear feet of noise barrier are anticipated. A detailed review will be required during final design. Borings for proposed noise barrier will be required during final design. During Final Design, the Successful Qualified Firm will be responsible to design potential noise barriers in accordance with the findings of the noise study report. For those potential noise barriers that meet the conditions of Authority's current Policy, which is available on the Authority's website at [https://www.njta.com/media/8025/njta-noise\\_barrier\\_policy\\_may-2023.pdf](https://www.njta.com/media/8025/njta-noise_barrier_policy_may-2023.pdf), the Successful Qualified Firm will be responsible to administer the survey of owners and residents of those properties benefitted by the noise barrier, as outlined in Section IV, Public Involvement, in coordination with the Authority.

h. Geotechnical Engineering

Based on the information provided in Subsurface Investigations by the preliminary design consultant and other information deemed necessary by the preliminary engineering, the Successful Qualified Firm shall develop and submit to the Authority's Design Liaison for review the final geotechnical report for the entire project reviewing the existing foundation assessment and recommendations for new foundations for all bridges, slope stability and embankment construction, ground improvement techniques (if necessary), retaining walls, noise walls and sign structure foundations.

A Preliminary Subsurface Investigation Work Plan (PSIWP) has been developed by the design team during Preliminary Engineering for Stormwater and Bridge Structures and these boring plans, logs, and soil test results will be provided to the Successful Qualified Firm at the kickoff meeting.

The Successful Qualified Firm will review the PSIWP and coordinate with the Authority to determine the need for any additional borings to support final design. A subsurface exploration plan was NOT completed for items such as Retaining Walls, Noise Walls, and Sign Structures. These were beyond the scope of work during preliminary design. The Successful Qualified Firm will be responsible for preparing boring contract documents, soliciting bids, entering a contract with a boring contractor, obtaining required permits and administering and inspecting the boring contractor's operations.

The Successful Qualified Firm shall prepare all final geotechnical reports including foundation design and details, and if required assessment of existing structural foundations.

i. Lighting/ITS/Traffic Signal and Electrical Plans

**Lighting** - A Conceptual Roadway Lighting Report was completed during preliminary engineering which includes lighting warrant analysis and can be found in the PD Report appendix. The existing pole mounted roadway lighting and system between Interchanges 80 to 83, within Authority jurisdiction, shall be removed and replaced with an upgraded system.

Lighting Design shall be performed in accordance with the requirements of the current edition of the Authority's Design Manual which specifies criteria, limits, and equipment. On this basis, preliminary lighting plans will be submitted for review with Phase B. Upon approval of the design, the Successful Qualified Firm shall prepare lighting plans for Pre-Phase C and subsequent submissions.

Maintaining existing lighting during construction must be accounted for and included in the proposed design.

**ITS** - There are no existing Variable Message Signs (VMS) within the project limits. The Successful Qualified Firm shall coordinate with the Authority to determine whether or not VMS are required. If so, in-pavement wireless sensors will be required at these VMS locations. Fiber optic relocation shall be handled as discussed under Utility Engineering discussed above.

**Traffic Signal and Electrical Plans** - The Successful Qualified Firm shall perform existing Traffic Signal analysis. Three (3) existing traffic signals within the project limits will require modifications. A new traffic signal is proposed as well. Traffic signal work shall include phasing diagrams, traffic signal design, and electrical plans. All design work and plan preparation shall be in accordance with NJDOT and Ocean County design standards. Plans shall comply with the latest ADA Standards. Traffic Signal and Electrical Plans must be reviewed and approved by NJDOT and Ocean County.

j. Roadway Design

Proposed improvement impacts shall not extend beyond the approved permitted limits in the Preliminary Design plans and Permit package.

The Successful Qualified Firm shall note that advanced clearing to remove existing vegetation obstruction within the clear zone and basin locations may be performed under an additional Contract to be prepared under this OPS. The Successful Qualified Firm shall perform a roadside assessment for the proposed design and shall recommend the removal or protection of existing obstructions that remain within the

clear zone. If an obstruction cannot be removed, appropriate mitigation shall be identified and designed. Recommendations should conform with the Preliminary Design permits, currently pending approval.

The Successful Qualified Firm shall perform landscape design and prepare landscaping plans as required for the project corridor.

Traffic analysis was performed by the preliminary design consultant during preliminary engineering. If required, the Successful Qualified Firm shall obtain any additional traffic data due to private development and/or County and State projects which may be required to analyze work zone needs for local roadways under or over the Parkway.

**Signing** – The Successful Qualified Firm shall prepare final Signing Plans at 1" = 50' scale that provides a schematic of each existing and proposed guide sign within the project limits, including their locations and legends, and shall show the recommended improvements of the existing guide signs. The proposed or modified signing shall be prepared in accordance with the current edition of the Authority's Design Manual, Standard Drawings and the "Manual for the Traffic Control Devices" (MUTCD) as applicable. The preliminary Signing Plan will be reviewed for consistency with Authority standards. The preliminary Signing Plan shall be submitted for Authority review prior to the Phase C Submission.

The Successful Qualified Firm shall review and finalize the Striping Plans for the entire project limits.

k. **Executive Order No. 172 (Kean)**

The Successful Qualified Firm will be responsible for supporting the Authority's efforts in complying with Executive Order No. 172 (E.O.172), which requires that transportation agencies solicit public input regarding proposed transportation projects. In this regard, the Authority is planning to hold two (2) Public Hearing(s), one in [Toms River and possibly South Toms River] The Successful Qualified Firm's services for the E.O.172 Public Hearings shall include, but not be limited to, arrangements for the facilities, preparing all necessary exhibits and newsletters, assisting the Authority's personnel with the oral presentation of the project at the hearings, preparing the Final Hearing Reports and assisting the Authority in satisfying all E.O.172 requirements. This effort shall be performed in close coordination with the Authority's Project Engineer. No contact shall be made with the public or municipal, county or state officials unless authorized in advance by the Authority.

l. **Constructability Review**

The proposed Construction Contract Packaging includes Contract No. P200.716, Operational Improvements, Milepost 78.8 to 84.1 on the Parkway as well as two advanced construction contracts, one for clearing and the other for the replacement of Lakehurst Road bridge. The Qualified Firms will base their proposal on these three contracts.

The Successful Qualified Firm shall evaluate and review the proposed Construction Contract Packaging for this project. Any recommendations for adjustments to Construction Contract limits or revisions to the number of Construction Contracts shall be presented to the Authority for further discussion. Proposed revisions shall be based on final design refinements or opportunities for Project schedule or cost savings. Changes to the Construction Contract limits or packages shall be at the sole discretion of the Authority.

Structural constructability review was initiated during preliminary design. The Successful Qualified Firm shall perform a detailed constructability review of the design in accordance with the requirements in the most current version of the Authority's Procedures Manual. This constructability review shall identify, investigate, and address constructability issues as part of the final design process, including but not limited to current and available construction techniques, scheduling, economic factors, permit conditions,

maintenance and protection of traffic, grade and profile changes at stage limits, construction access, available contractor laydown areas and production rates.

Construction cost estimates and construction schedule shall be provided with each Phase Submission. A draft anticipated construction schedule, draft construction estimate, and draft constructability report shall be submitted with the Phase Pre-Phase C Submission. The final Constructability Review Report shall be submitted with the 95% Maintenance and Protection of Traffic Submission and include a summary of resolved constructability issues. The constructability review shall be performed by qualified construction personnel that is not a member of the design team.

### 3. Construction Engineering Support

The Successful Qualified Firm will be responsible for providing post design services as described in the Authority's Procedures Manual. 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 3.5 "Construction Engineering Support" including Exhibit 3-4 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.

## **AGENCY COORDINATION**

During preliminary design, the Authority hosted a Virtual Public Information Center (VPIC) to provide local officials, residents, and business with information regarding the proposed improvements. The VPIC website had over two thousand (2,000) views.

Agency Coordination / Railroad Owner & Third-Party Stakeholder Coordination is required. The Successful Qualified Firm is responsible for the preparation of all necessary displays, exhibits and like material as needed for the meetings and or Public Hearing(s) if required.

The Successful Qualified Firm shall be responsible for confirming with railroad owners and third-party stakeholders within the project limits that all necessary project approvals or permits are obtained, and all project requirements are satisfied before advertising for construction.

Phase B and Phase C Contract Documents shall be provided to each NJDOT, Ocean County, railroad owner (Conrail) and third-party stakeholders having jurisdiction for review. Resulting comments shall be addressed by the Successful Qualified Firm and the Authority shall be copied on the comment response.

The Successful Qualified Firm shall be responsible for ensuring that the design, inclusive of anticipated means of construction access, demolition, and erection operations, are in accordance with the requirements of NJDOT, Ocean County, railroad owner and third-party stakeholder within the work limits.

## **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 Design Liaison. 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 Design Liaison 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 not be removed from the OPS and replaced with another Project Manager without prior written approval from the Authority's Chief Engineer or designated 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. P3885 Design Services for Contract No. P200.716 Interchange Improvements



and Capacity Enhancements, Milepost 78.8 to 84.5. 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 billing projections for two years from the billing date 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 final contract plans, specifications and estimates shall be in accordance with the current version of the Authority's Design 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 Design Liaison 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.

The Authority utilizes an eGIS platform which contains information for its key assets. Consultant 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.

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.

#### **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 Vincent Mignella via e-mail at [mignella@njta.com](mailto:mignella@njta.com). The subject line should read, "OPS No. P3885 Secure File Sharing Site Information". The Following reference material is available for review:

- a) P200.716 Preliminary Design Plans (Phase A)
- b) P200.716 Preliminary Design Report
- c) P200.716 Preliminary Geotechnical Reports
- d) Bridge & Culvert Inspection Reports
- e) As-Built Plans
- f) Storm Water Management Report
- g) H&H Reports
- h) NJDEP Approved Permit

**Subsection B3**  
**Staffing Estimate**

Classification (ASCE-Grade)	Hours/Tasks															
	Project Management and Coordination	Preliminary Design Review	Survey/Mapping	Right-of-Way and Agreements	Maintenance and Protection of Traffic	Environmental Permitting and Mitigation	Stormwater Management	Utility Engineering	Structural Design	Geotechnical Engineering	Lighting, ITS, Traffic Signal and Electrical Plans	Roadway Design	Executive Order No. 172	Constructability Review	Construction Engineering Support	Total Hours
Project Manager (VII)																
Project Engineer (VI)																
Senior Engineer (V)																
Engineer (IV)																
Junior Engineer (II or III)																
Drafter/Tech. (ET-4, ET-5)																
Clerical																
Other-Specify ( )																
Total Hours																

Unanticipated Services – The Qualified Firm shall make an allowance of 10% contingency of the burdened labor fee in the Fee Proposal.

Note: The above chart is intended as a guide. The Qualified Firm shall modify and expand classifications and tasks as required to meet project needs.

**Subsection B4**  
**Compensation Basis**

Following a review of the submitted EOIs, the Authority will request Technical and Fee Proposal(s) from the Firm(s) it deems most qualified.

The sealed Fee Proposal (if and when requested) 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 Firm's overhead rate as determined by 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 the technical proposal 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.**

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 RFEI, provided such change is reflected in the Successful 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](http://www.irs.gov)). Mileage will be reimbursed for travel between the Successful 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](http://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.

**Subsection B5**  
**Qualified and Eligible Firms**

1. AECOM Technical Services
2. Arora and Associates, P.C.
3. Arup US, Inc.
4. AtkinsRéalis USA Inc.
5. Boswell Engineering
6. Buchart-Horn, Inc.
7. CDM Smith Inc.
8. Dewberry Engineers Inc.
9. Gannett Fleming, Inc.
10. Greenman-Pedersen, Inc.
11. Hardesty & Hanover, LLC
12. HDR Engineering, Inc.
13. IH Engineers, P.C.
14. Infra Tech Engineering, LLC
15. Jacobs Engineering Group Inc.
16. Johnson, Mirmiran & Thompson, Inc.
17. KC Engineering and Land Surveying, P.C.
18. Kimley-Horn and Associates, Inc.
19. Malick & Scherer, P.C.
20. McCormick Taylor, Inc.
21. Michael Baker International, Inc.
22. Mott MacDonald LLC
23. NAIK Consulting Group, P.C.
24. NV5, Inc.
25. Parsons Transportation Group, Inc.
26. Pennoni Associates, Inc.
27. SJH Engineering, P.C.
28. Stantec Consulting Services, Inc.
29. STV Incorporated
30. Taylor, Wiseman & Taylor
31. Traffic Planning and Design, Inc.
32. TranSystems Corporation
33. Urban Engineers, Inc.
34. Van Cleef Engineering Associates, LLC
35. WSP USA Inc.

**ATTACHMENT C**  
**Standard Supplemental Information and Forms**

**Subsection No. and Title**

- C1. Administrative and Agreement Information
- C2. Mandatory Equal 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 Compliance, *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, c. 48, 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. Forms Required to be Submitted by the Deadline for Submittal of Expressions of Interest:
  - a. Affidavit of Eligibility/Disclosure of Material Litigation
  - b. Small Business Enterprise/Disabled Veteran Owned Business
  - c. Source Disclosure Certification
  - d. Ownership Disclosure
  - e. Set-Off for State Sales Tax
  - f. Affidavit of Moral Integrity
  - g. Disclosure of Outstanding Work
  - h. Recent Project Experience
  - i. Commitment of Proposed Project Staff
  - j. Certification of Staff Availability
- C14. Forms Required to be Submitted by the Recommendation of OPS Award Date
  - a. Disclosure of Investment Activities in Iran
  - b. Prohibited Activities in Russia or Belarus
  - c. Business Registration Certificate

**Subsection C1**  
**Administrative and Agreement Information**

**Professional Corporation**

Incorporated Firms that have not filed a copy of a Certificate of Authorization in accordance with N.J.S.A. 45:8-56, with the Authority must include a copy of the Certificate of Authorization 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, Technical Proposal (if applicable) 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](http://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 expression, 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, col-or, 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](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),**  
**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](http://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 RFEI. 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 RFEI, 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 RFEI 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 RFEI. 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 RFEI, 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 RFEI or otherwise at law.

### **Subsection C8**

#### **Diane B. Allen Equal Pay Act and the New Jersey Workplace Accountability in Labor List (WALL)**

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>

In addition, N.J.S.A. 34:1A-1.16 authorized the New Jersey Department of Labor and Workforce Development (NJDOLE) to create a list on its website, dubbed the Workplace Accountability in Labor List (WALL), of any person found in violation of any State wage, benefit, and tax laws and against whom a final order has been issued by the NJDOLE for such violation. Any person or business named on the WALL is prohibited from contracting with the Authority until that person or business has been removed from the WALL.

The WALL is found at <https://www.nj.gov/labor/ea/osec/wall.shtml>.

### **Subsection C9**

#### **Warranty by 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 either 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 and 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 Expression of Interest, 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 RFEOI, 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 and 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 RFEI 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**

#### **Forms Required to be Submitted by the Deadline for Submittal of Expressions of Interest**

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](http://www.njta.com) under *Doing Business, Engineering Professional Services, PS Supplemental Forms*.

**a. Affidavit of Eligibility/Disclosure of Material 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.

**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.

**c. 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:

- i. The location by country where the services under contract will be performed.
- ii. 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).

**d. 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 Technical and Fee Proposals.

**e. Set-Off for State Sales 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.

**f. Affidavit of Moral Integrity**

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

**g. Disclosure of Outstanding Work**

Qualified 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.

**h. Recent Project Experience**

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

**i. Commitment of Proposed Project Staff**

Qualified Firms shall complete and submit a Commitment of Proposed Project Staff form stating the percentage of time each member, including subconsultant staff, is available to commit to this assignment with their Expression of Interest.

**j. Certification of Staff Availability**

Qualified Firms shall complete and submit a Certification of Staff Availability form wherein the Qualified Firm shall certify that the staff proposed will be used in the performance of the project with their Expression of Interest.

**Subsection C14**

**Forms Required to be Submitted by Recommendation to Award OPS Date**

**a. 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.

**b. 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, have 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 has revised 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 the Authority the revised *Certification of Non-Involvement In Prohibited Activities in Russia or Belarus* form

**c. Business Registration Certificate\*\*\***

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 RFEOI 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](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.

**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:**

1. 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](http://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.
2. 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.