



REQUEST FOR BIDS

SJPC 22-100 ELECTRIC RAILCAR MOVER

**SOUTH JERSEY PORT CORPORATION
2 Aquarium Drive, Suite 100
Camden, NJ 08103**

Due Date: Tuesday, May 16, 2023 at 11:00am

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ADVERTISEMENT FOR BIDS

SOUTH JERSEY PORT CORPORATION REQUEST FOR SEALED BIDS FOR SJPC 22-100 ELECTRIC RAILCAR MOVER

Notice is hereby given that sealed proposals for an Electric Rail Car Mover, will be received by the South Jersey Port Corporation (hereinafter "SJPC"). Three (3) original sealed copies of each firm's bid shall be submitted to Patrick Boyle, Purchasing Manager, at South Jersey Port Corporation, 2 Aquarium Drive, Suite 100, Camden, NJ 08103, by **Tuesday, May 16, 2023 at 11:00am** at which time the sealed bids will be opened and recorded.

Each submission to be considered shall comport to the criteria set forth in the proposal packets. The proposal packets may be obtained from SJPC at <http://www.southjerseyport.com> or upon request to: South Jersey Port Corporation, Attention: Patrick Boyle, Purchasing Manager, 2 Aquarium Drive, Suite 100, Camden, NJ 08103, pboyle@southjerseyport.com.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

STATEMENT OF RIGHTS

The SJPC reserves, holds, and may at its sole discretion, exercise the following rights and options with respect to this Request for Bids ("RFB").

1. To select and enter into an agreement with the one or more Bidder(s) based upon experience, qualifications, approach, and other factors specified herein, for the purchase of materials, products, supplies, and non-professional services shall be awarded to the lowest responsible bidder that submits a responsive bid.
2. To reject any and/or all proposals.
3. To issue additional subsequent solicitations for proposals and/or amendments to the RFB.
4. To conduct investigations with respect to the qualifications of each Bidder.
5. To negotiate with Bidders for amendments or other modifications to their bids.
6. To modify dates.
7. To enter into agreements for only portions (or to not enter into an agreement for any) of the services contemplated by the proposal submitted.
8. All proposals prepared in response to this RFB are at the sole expense of the Bidder, and with the express understanding that there will be no claim, whatsoever, for reimbursement from the SJPC for the expense of preparation.
9. The Open Public Records Act mandates public access to government records. However, proposals submitted in response to this RFB may contain technical, financial, or other data whose public disclosure could cause substantial injury to a Proposer's competitive position or constitute a trade secret. To protect these data from disclosure under the Open Public Records Act, the Proposer should specifically identify the pages of the proposal that contain such information, by properly marking the applicable pages and inserting the following notice in the front of its proposal.

PROPRIETARY INFORMATION

Bidders are allowed to identify proprietary information and specifically request that such information be used for evaluation purposes only. Bidders should include a statement in their responses that the data on specific pages of their bid identified by an asterisk (*) contains technical or financial information, which are trade secrets, or information for which disclosure would result in substantial injury to the Bidder's competitive position.

The Bidder by identifying and requesting that such data be used only for the evaluation of the bid, understands that the disclosure will be limited to the extent SJPC considers proper under the State of New Jersey Open Public Records Act ("OPRA"). If an agreement is entered into with the Bidder, SJPC shall have the right to use or disclose the data as provided in the agreement, unless otherwise obligated by law.

The SJPC does not assume any responsibility for disclosure or use of marked data for any purpose. In the event that properly marked data is requested, pursuant to the OPRA, the Bidder will be advised of the request, and may expeditiously submit to the SJPC a detailed statement indicating the reasons it has for believing that the information is exempt from disclosure under the law. This statement will be used by the SJPC in making its determination as to whether disclosure is proper under the law.

The SJPC has diligently prepared this RFB and has presented all known, pertinent data as accurately and as completely as possible. This data is provided for general information purposes only. The SJPC does not guarantee or warrant the correctness of this information; moreover, the SJPC accepts no responsibility for any omissions or deletions of information relating to this RFB.

DISCLAIMER

The contents and information provided in this RFB are meant to provide general information to interested parties, and in no way reflects the adherence of the SJPC to any public bidding requirements. The successful Bidder shall be required to execute an agreement with SJPC that will govern the rights, duties and obligations between SJPC and the successful Bidder.

Accordingly, the terms set forth within this RFB do not constitute a contract between SJPC and the successful Bidder. Moreover, SJPC accepts no responsibility for any omissions or deletions relating to this RFB; however, the successful bid proposal will become part of the entire agreement between the SJPC and the successful Bidder.

1.0 INFORMATION FOR PROPOSERS

BACKGROUND, PURPOSE, AND INTENT:

The SJPC is an agency of the State of New Jersey with a mission to develop, maintain and operate marine terminals and related intermodal transportation infrastructure within the South Jersey Port District. The agency has primary offices at 2 Aquarium Dr., Suite 100, Camden, NJ 08103, and undertakes port operations at the Balzano Marine Terminal and the Broadway Terminal in Camden, New Jersey. The agency also has facilities in Salem City, New Jersey and Paulsboro, New Jersey. SJPC is grantee of Foreign Trade Zone #142.

Additional information may be found by visiting <http://www.southjerseyport.com>

It is the intent of the SJPC to award a contract/contracts to the responsive Bidder(s) whose bid proposal conforms to the specifications in the RFB, and provides the greatest benefit to the SJPC, when all factors are considered. The successful Bidder will be responsible for all negotiations with the respective authorized suppliers to provide the SJPC with the best price advantage possible.

Bidder(s) responding to this RFB should have extensive experience and a knowledgeable background and qualifications in the provision of the goods described herein.

In order to be considered for selection, proposals must be received no later than **11:00 AM on Tuesday, May 16, 2023.**

TERM OF CONTRACT

Following a determination of award by the SJPC, an agreement will be entered into with the successful Bidder(s).

SUBMISSION OF BIDS

Bids submitted in response to this RFB must be fully responsive and of sufficient detail to allow the SJPC to evaluate the Bidder's experience and qualifications, technical and customer service approach and cost. Information provided must relate to this specific project.

Sealed bids shall be received in accordance with public advertisement as required by law, a copy of said notice being attached hereto and made part of these specifications.

In order to be considered, three (3) hard copies of the bid must be submitted in a sealed envelope bearing on the outside the name and address of the proposer and the following statement:

"THIS IS A SEALED BID AND SHALL NOT BE OPENED AND READ Tuesday, May 16, 2023 at 11:00am BY PATRICK BOYLE OR HIS DESIGNEE: SJPC 22-100 ELECTRIC RAIL CAR MOVER. Bids may be mailed, or hand delivered to the SJPC and shall be addressed to the attention of:

SOUTH JERSEY PORT CORPORATION
c/o Patrick Boyle, Purchasing Manager
2 Aquarium Drive, Suite 100
Camden, New Jersey 08103

SJPC will not assume responsibility for bids not delivered in person to the above address.

In addition to the requested hard copies, please submit an electronic version of your bid proposal in a pdf format on a USB drive.

All bids must be received by Tuesday, May 16, 2023 at 11:00am. No bids will be accepted after the specified time.

The sealed bids will be opened and recorded at SJPC's Corporate Offices at 2 Aquarium Drive, Suite 100, Camden, NJ 08103. Once bid proposals have been opened, they shall remain firm for a period of ninety (90) calendar days.

All prices and amounts must be written in ink or machine printed. Bids containing any conditions, omissions, unexplained erasures or alteration, items not called for in the bid form, attachment of additive information not required by the specifications or irregularities of any kind, may be rejected by SJPC. Any changes, white-outs, strikeouts, etc., in the bid proposal must be initialed in ink by the person signing the proposal.

Each bid proposal form must give the full business address, business phone number, fax number, e-mail address, and contact person of the bidder, and must be signed by an authorized representative as follows:

- Bid proposals by partnerships must furnish the full name of all partners and must be signed in the partnership name by one of the members of the partnership or by an authorized representative, followed by the signature and designation of the person signing.
- Bid proposals by corporations must be signed in the legal name of the corporation, followed by the name of the State in which incorporated and must contain the signature and designation of the president, secretary or other person authorized to bind the corporation in the matter.
- Bid Proposals by sole-proprietorship shall be signed by the proprietor.
- When requested, satisfactory evidence of the authority of the officer signing shall be furnished.

Bidders(s) should be aware of the following statutes that represent "Truth in Contracting" laws:

- N.J.S.A. 2C:21-34 et seq. governs false claims and representations by bidders. It is a serious crime for the bidder to knowingly submit a false claim and/or knowingly make a material misrepresentation.
- N.J.S.A. 2C:27-10 provides that a person commits a crime if said person offers a benefit to a public servant for an official act performed or to be performed by a public servant, which is a violation of official duty.
- N.J.S.A. 2C:27-11 provides that a bidder commits a crime if said person, directly or indirectly, confers or agrees to confer any benefit allowed by law to a public servant.
- Bidder(s) should consult the statutes or legal counsel for further information.

Bidder(s) are expected to examine the bid specifications and all related bid proposal documents with care and observe all their requirements. Ambiguities, errors, or omissions noted by Bidder(s) should be promptly reported in writing to the SJPC's Purchasing Manager. Any prospective Bidder who wishes to challenge a bid specification shall file such challenges in writing with SJPC no less than three (3) business days prior to the opening of the bid proposals. Challenges filed after that time shall not be considered, and have no impact on SJPC or the award of the contract. In the event the Bidder fails to notify SJPC of such ambiguities, errors, or omissions, the Bidder shall be bound by the requirements of the specifications and the Bidder's submitted bid proposal.

QUESTIONS OR REQUESTS FOR CLARIFICATION

All questions about the meaning or intent of the RFP documents, including these instructions or the specifications, shall be submitted in writing to the SJPC's Purchasing Manager. Any questions or requests for clarification are to be emailed to pboyle@southjerseyport.com.

****When submitting a question or request for clarification, the subject line of the email MUST contain the word "Question" followed by the title of the RFB.****

Questions must be received no later than **5:00PM on May 2, 2023**. Questions received after this date and time may not be answered. Only questions answered by formal written addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.

ISSUANCE OF ADDENDA

Responses to all questions of substantive nature will be answered in the form of an addendum. The SJPC shall be the sole judge of the question viability. Any informal explanation, clarification, or interpretation will not bind SJPC, oral or written, by whoever made, that is not incorporated into an addendum.

Notice of Addenda will be issued through the SJPC website at: www.southjerseyport.com/bids. It is the sole responsibility of the Bidder to be knowledgeable of all addenda related to this procurement. The Bidder must complete the "Acknowledgement of Receipt of Addenda" form, which is included in this solicitation as a required document. Failure to acknowledge receipt of all addenda may render a bid proposal as non-responsive.

A Bidder's failure to request a clarification, interpretation, correction or amendment will preclude such Bidder from thereafter claiming any ambiguity, inconsistency or error.

INTERPRETATIONS OR CORRECTIONS BINDING

Only questions answered by formal written addenda will be binding, and prospective Bidders are warned that no officer, agent, or other employee of the SJPC, or its representatives is authorized to give verbal information concerning, explaining or interpreting this RFB.

EQUAL OPPORTUNITY REQUIREMENTS

1. Affirmative Action

Bidders shall be required to comply with all applicable affirmative action and

equal employment opportunity laws, orders, rules and regulations including, but not limited to N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27-1.1 et seq. (See Exhibit A). The successful Bidder shall be required to submit the applicable Affirmative Action form as described in Exhibit A within seven (7) days after receipt of the SJPC's intent to award a contract.

2. **Small Business Participation**

Policy Statement of the South Jersey Port Corporation

In accordance with Executive Order No. 84 signed by Governor James J. Florio on March 5, 1993 and Executive Order No. 71 signed by Governor James E. McGreevey on October 2, 2003, it is the policy of the SJPC that Small Business Enterprises ("SBE"), as determined and defined by the Department of the Treasury, Division of Revenue and Enterprise Services ("Division of Revenue") in N.J.A.C. 17:13 et seq., have the opportunity to compete for and participate in the performance of contracts to the purchase of goods and services and for construction services required by the SJPC. The SJPC further requires that its contractors shall agree to take all necessary and responsible steps, in accordance with the aforementioned regulations, to ensure that SBE's have these opportunities.

It is the policy of the SJPC that small businesses (each a "small business enterprise" or "SBE"), as determined and defined by the New Jersey Department of the Treasury, Division of Purchase and Property, Contract Compliance and Audit Unit, EEO Monitoring Program ("EEO Monitoring Program") in N.J.A.C. 17:27 et seq. or other application regulation, should have the opportunity to participate in SJPC contracts.

To the extent the Bidder engages subcontractors or sub-consultants to perform Services for the SJPC pursuant to the contract, the Bidder must demonstrate to the SJPC's satisfaction that a **good faith effort** was made to utilize subcontractors and sub-consultants who are **registered with the EEO Monitoring Program as SBEs**.

Furthermore, Bidders and subcontractors shall be evaluated by the EEO Monitoring Program, based on its attainment of the Participation Goals set forth in N.J.A.C. 17:27-5.2

Please refer to the following link for current applicable procurement target(s) guidelines set forth by the NJ Department of Treasury:

https://www.state.nj.us/treasury/contract_compliance/

Evidence of a "good faith effort" includes, but is not limited to:

1. Whether the Bidder or subcontractor has agreed to make a good faith effort to adhere to targeted minority and women employment goals;
2. Whether the Bidder or subcontractor has met or documented that it has made a good faith effort to meet targeted employment goals;
3. Whether the Bidder or subcontractor has adopted an Equal Employment

- Opportunity (EEO) Policy;
4. Whether the Bidder or subcontractor has posted an EEO Policy on the job site bulletin board;
 5. Whether the Bidder or subcontractor has disseminated the EEO Policy to its workers through various means including company meetings, preconstruction job meetings, written notices, etc.;
 6. Whether the Bidder or subcontractor has posted Federal, or State issued EEO posters on the job site bulletin board;
 7. Whether the Bidder or subcontractor has identified an EEO Officer and established job duties in writing for such position;
 8. Whether the Bidder or subcontractor has developed a basic complaint procedure;
 9. Whether the Bidder or subcontractor has knowledge of and has considered the general availability of minorities and women having requisite skills in the immediate labor area;
 10. Whether the Bidder or subcontractor has knowledge of and has considered the percentage of minorities and women in the total workforce in the immediate labor area;
 11. Whether, when the opportunity has presented itself, the Bidder or subcontractor has considered promoting minority and women employees within its organization;
 12. Whether the Bidder or subcontractor attempted to hire minorities and women based upon the anticipated expansion, contraction and turnover of its workforce;
 13. Whether the Bidder or subcontractor has the ability to consider undertaking training as a means of making all job classifications available to minorities and women and whether it has done so;
 14. Whether the Bidder or subcontractor has utilized the available recruitment resources to attract minorities and women with requisite skills, including, but not limited to, public and private training institutions, job placement services, referral agencies, newspapers, trade papers, faith-based organizations, and community-based organizations;
 15. Whether the Bidder or subcontractor has requested qualified minorities and women from a labor union with whom it has an exclusive hiring or referral arrangement;
 16. Whether the Bidder or subcontractor has actively recruited beyond the traditional sources to attract minority and women applicants;
 17. Whether the Bidder or subcontractor has reviewed all personnel actions to ensure actions are taken in compliance with the company's EEO policy; and
 18. Whether the Bidder or subcontractor has retained records of employment and personnel actions and payroll records for a three (3) year-period from the date of the contract or project closing.

The successful Bidder agrees to make a good faith effort to award at least 25% of the contract to subcontractors registered by the Division of Revenue as a SBE. Subcontracting goals are not applicable if the prime contractor is a registered Small Business Enterprise (SBE) firm.

BIDDERS RESPONSIBILITY

The Bidder assumes the sole responsibility for the complete effort required in submitting a bid proposal in response to this RFB. No special consideration will be given after bid proposals are opened because of a Bidder's failure to be knowledgeable as to all of the requirements of this RFB. The SJPC assumes no responsibility and bears no liability for cost incurred by a Proposer in the preparation and submittal of a bid proposal in response to this RFB.

REVIEW OF BID PROPOSALS

The SJPC, in accordance with law, reserves the right to reject any and all bid proposals received in response to this RFB, when determined to be in the SJPC's best interest, and to waive minor noncompliance in a bid proposal. The SJPC further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all Bidders submitting bid proposals in response to this RFP. In the event that all proposals are rejected or if the SJPC at any time deems the number of qualified bidders receiving designations as the result of this RFB to be insufficient to meet the potential needs of the SJPC, or for any other reason, the SJPC reserves the right to re-solicit bid proposals. The SJPC shall not be deemed obligated at any time to award a contract to any Bidder.

CONTENTS OF BID PROPOSAL

Subsequent to the bid proposal opening, all information submitted by Bidder(s) in response to this solicitation is considered public information, except as may be exempted from public disclosure by the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the common law.

A Bidder may designate specific information as not subject to disclosure when the Bidder has a good faith legal/factual basis for such assertion. The SJPC reserves the right to make the determination concerning such assertion and will advise the Bidder accordingly. The location in the bid proposal of any such designation should be clearly stated in a cover letter. **THE SJPC WILL NOT HONOR ANY ATTEMPT BY A BIDDER EITHER TO DESIGNATE ITS ENTIRE BID PROPOSAL AS PROPRIETARY AND/OR TO CLAIM COPYRIGHT PROTECTION FOR ITS ENTIRE BID PROPOSAL.** All bid proposals, with the exception of information determined by the SJPC or the Court to be proprietary, are available for public inspection after the Notice of Intent to Award is issued to all Bidders. At such time, interested parties can make an appointment with the SJPC to inspect proposals received in response to this RFB.

SIGNATURES

An officer authorized to make binding commitments for those Bidders making bid proposals shall sign each proposal.

INCURRING COSTS

Neither the SJPC, nor its consultants, shall be liable for any costs incurred by any Bidders in the preparation of its bid proposal for the services requested by this RFB. The SJPC shall not be held liable for any activity or costs associated with the preparation or submission of the bid proposal, proposal conference, oral presentation(s) or any other activity of any kind in regard to this RFB.

ACCEPTANCE OF PROPOSALS

The SJPC intends to award a contract to the Bidder or Bidders that the SJPC deems best satisfies the needs of the SJPC and its employees. The RFB does not in any manner or form commit the SJPC to award any contract. The contents of the bid proposal may become a contractual obligation if, in fact, the bid proposal is accepted, and a contract is entered into with

the SJPC. The SJPC may award a contract solely on the basis of the bid proposal submitted without any additional negotiations. The SJPC shall reserve all rights to provide for additional negotiations if it deems in its best interests. Failure of the Bidder to adhere to and/or honor any or all of the obligations of the bid proposal may result in immediate cancellation of the award of the contract by the SJPC.

AWARD OF CONTRACT

The SJPC will act to award a contract to the successful Bidder, or reject all bid proposals, within ninety (90) calendar days after receipt of the bid proposals, unless a time extension is obtained by the SJPC in writing from the Bidder(s).

FINAL CONTRACT

The contract entered into with the successful Bidder or Bidders shall be a contract that shall be satisfactory in form to the SJPC in accordance with the laws of the State of New Jersey. It is understood that the contract shall be awarded on the basis of a contract for services or goods within the intent of the statutes and laws of the State of New Jersey.

DISSEMINATION OF INFORMATION

Information included in this document or in any way associated with this RFB is intended for use only for the Bidder and the SJPC and is to remain the property of the SJPC. Under no circumstances shall any of the said information be published, copied or used, except in replying to this RFB.

ECONOMY OF PREPARATION

Bid proposals should be prepared simply and economically, providing straightforward, concise description of the Bidder's capabilities to satisfy the requirements of the RFB. Emphasis should be on completeness and clarity of content.

ORAL PRESENTATION

Bidders that submit a proposal in response to this RFB may be required to give an oral presentation of their bid proposal to staff and members of the SJPC. This will provide an opportunity for the Bidder to clarify or elaborate on their bid proposal. The SJPC will schedule the time and location of these presentations and notify Bidders accordingly. Requests for oral presentations will not represent any commitment on the part of the SJPC and should not be construed as intent to award.

REVISIONS TO THE REQUEST FOR BIDS

In the event it becomes necessary for the SJPC to revise any part of the RFB, revisions will be made available in the form of an Addendum, and will be issued through the SJPC's website at www.southjerseyport.com/bids. It is the sole responsibility of the Bidder to be knowledgeable of all addenda related to this procurement. If revisions are necessary after conducting the oral presentations, such revisions will only be provided to those Bidders participating in the oral presentations.

MODIFICATION OR WITHDRAWAL OF A PROPOSAL

Bid proposals may be withdrawn at any time prior to the time specified for the receipt of bid proposals by notifying the SJPC Purchasing Manager in writing of such a withdrawal. The withdrawal of a bid proposal does not prejudice the right of the Bidder to file a new proposal prior to the date and time for the submission of bid proposals.

PRIME CONTRACTOR RESPONSIBILITIES

The selected Bidder(s) will be required to assume sole responsibility for the complete effort as required by these specifications. The SJPC will consider the selected Bidder(s) to be the sole point of contact with regard to contractual matters.

ASSIGNMENT

The Bidder(s) selected is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this agreement or its rights, title or interest therein or its power to execute such agreement to any other person, company or corporation without the express written consent of the SJPC.

TERMINATION OF CONTRACT

The SJPC reserves the right to terminate, without reason, a contract entered into as a result of this RFB, provided written notice is given to the Bidder in accordance with the termination provisions of the contract.

ACCOUNTING RECORDS

The Bidder selected is required to maintain accounting records and other evidence pertaining to costs incurred on the project, and to make records available to the SJPC at all reasonable times during the contract period, and for five (5) years from the date of the final payment under the contract, or as provided in the contract, whichever is longer.

JOINT VENTURES

If a joint venture is submitting a bid proposal, the agreement between the parties related to such joint venture should be submitted with the joint venture's bid proposal. Authorized signatories from each party comprising the joint venture must sign the bid proposal. A separate Ownership Disclosure Form, Chapter 51 and Executive Order 117 Certification and Disclosure forms, Affirmative Action Employee Information Report and NJ Business Registration Certificates must be supplied for each party in the joint venture.

CERTIFICATION OF NON-INVOLVEMENT IN PROHIBITED ACTIVITIES IN IRAN

Pursuant to N.J.S.A. 52:32-58, the Bidder must certify that neither the Bidder, nor one of its parents, subsidiaries, and/or affiliates (as defined in N.J.S.A. 52:32-56(e)(3)), is listed on the Department of the Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f). If the Bidder is unable to so certify, the Bidder shall provide a detailed and precise description of such activities.

RIGHT TO AUDIT

The successful Bidder shall keep and maintain proper and adequate books, records and accounts accurately reflecting all costs and amounts billed to the SJPC with regard to this RFB. The SJPC, its employees, officers, or representatives shall have the right upon written request and reasonable notice, to inspect and examine all books and records related to the successful Bidder's books and records specific to the bid proposal and contract. Such records shall be retained by successful Bidder for at least five (5) years after termination of the contract. In no event shall books and records be disposed of or destroyed prior to five (5) years or during any dispute or claim between the SJPC and the successful Bidder with regard to the RFB.

In accordance with the New Jersey Office of the State Comptroller ("OSC") document retention

policy at N.J.A.C. 17:44-2.2, successful Bidders shall maintain all documentation related to products, transactions or services under the contract for a period of five (5) years from the date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request.

SOURCE DISCLOSURE (SERVICES CONTRACTS)

Pursuant to N.J.S.A. 52:34-13.2, all services performed under a contract awarded to the successful Bidder, or performed under any subcontract awarded under that said contract, shall be performed within the United States. Bidders are required to submit the Source Disclosure Form as part of their bid. If a service cannot be performed within the United States, the Bidder shall disclose on the Source Disclosure Form the description of services to be performed outside of the United States and the reason why the services cannot be performed within the United States. The SJPC will review the justification and, if the SJPC concludes that the services cannot be performed within the United States, may issue a waiver of this requirement.

INDEMNIFICATION

Bidder agrees to indemnify and hold harmless the SJPC, its respective directors, officers, and employees from and against any and all losses, claims, causes of action, damages, liabilities, obligations, penalties, judgements, awards, costs expenses and disbursements, including attorneys' fees and other legal expenses and costs, arising directly or indirectly from or in connection with, caused by, relating to, or based upon, any (i) any negligent, careless, reckless, or intentionally wrongful act or omission of the Bidder or Bidder's assistants, employees, contractors, servants or agents, (ii) a determination by a court or agency that the Bidder is not an independent contractor, (iii) any breach by the Bidder, or the Bidder's assistants, employees, contractors, servants or agents of the agreement, (iv) any willful misconduct or gross negligence by the Bidder or the Bidder's assistants, employees, contractors, servants or agents under the contract, (v) any failure of the Bidder, or the Bidder assistants, employees, contractors, servants or agents to perform in accordance with all applicable laws, rules and regulations; or, (vi) any act by Bidder or the Bidder assistants, employees contractors, servants, or agents in connection with Bidder's engagement by SJPC that is outside the scope of Bidder's authority hereunder.

This provision shall survive and continue in full force and effect after the expiration or earlier termination of the contract.

2.0 TECHNICAL SPECIFICATIONS

SJPC is accepting proposals to purchase one (1) mobile electric railcar mover per the technical criteria below. Proposed equipment must minimally meet the expressed specifications:

- New 62,000 lb. Mobile Railcar Mover with 33,000 lbs. tractive effort/ drawbar pull developed from a single coupler without weight transfer from railcar.
- Minimum Towing capacity 3,200 Tons.
- Minimum one pivoting drive axle and guidance system.

- Eight, 16" diameter AAR profile austempered ductile iron guide wheels.
- Front & Rear Coupler: cast steel full size AAR coupler with automatic latch.
- Four-wheel drive rubber tire units such as 12x20, 12x24, or 14x24.
- Maximum speed of at least 10 MPH.
- Two electric motors.
- Li-ion or minimum 3 pack thin plate pure lead 1.400 Ah, 80 volt each with high performance (rapid) charger.
- Onboard chargers (desirable).
- Minimum 50 CFM air compressor system.
- Automatic speed induced rail guidance system.
- Full width cab with air conditioner and heat.
- Center mounted console that swivels to allow operation from either side of cab.
- Four removable polyethylene sander boxes or air blade system.
- LED work lights two front & two rear.
- Single point high pressure lubrication system.
- Camera Surround (4) with monitor.
- 3 cameras for rail gear and rear coupler with monitor.
- Antilock Brakes & Traction Control.
- Two dual blast type air horns, one facing forward and one facing rearward.
- Back up alarm.
- Cab interior dome light and two reading lights.
- Two air ride seats.
- Two amber strobe lights, one mounted on each side of cab.
- 1 year or 2,000 hours warranty with optional cost for a one year and 2,000 hours extended warranty.
- Operator's manual and spare part manual.

- Operator and maintenance training.
- Delivery within 8 months of an executed purchase order.

3.0 REQUIRED COMPONENTS OF THE BID PROPOSAL

OVERVIEW

Interested and qualified parties should submit a bid proposal to SJPC's RFB – SJPC 22-100 ELECTRIC RAILCAR MOVER. Bid proposals submitted in response to this RFB must be of sufficient detail to allow the SJPC to evaluate the Bidder's experience and qualifications, technical approach and cost. Information being provided must relate to the specific goods and/or services needed for this project. Please provide the following information:

LETTER OF TRANSMITTAL

SJPC requests that along with the bid proposal, the Bidder enclose a letter of transmittal, which is not intended to be a summary of the bid proposal itself, but must contain the following statements and information:

1. General Information

- a. Company name, address, and telephone number(s) of the Bidders submitting the bid proposal.
- b. Name, title, address, e-mail address, and telephone number of the person or persons to contact who are authorized to represent the Bidder and to whom correspondence should be directed.
- c. Federal and state taxpayer identification numbers of the Bidder.
- d. Brief statement of the Bidder's understanding of the services to be performed and a positive commitment to provide the goods and/or services as specified.
- e. The letter must be signed by a corporate officer or other individual who is legally authorized to bind the applicant to both its bid proposal and cost schedule.
- f. General Vendor Information- Please provide the following information:
 - i. Length of time in business of providing proposed services
 - ii. List 3 other public sector clients
 - iii. Number of full-time personnel in the organization
 - iv. Location of headquarters and field offices
 - v. Location of office which would service this account.

2. Describe how the Bidder is positioned to provide the goods listed above and provide a history of experience in providing similar goods.

3. Describe the Bidder's approach to providing these goods, and its methodology for providing ongoing support.

4. Provide the name, title, address and telephone number of three references for customers whom the Bidder has provided similar goods. Please provide information referencing the actual goods provided, customer size, and the length of tenure providing goods to this client.

BID/PROPOSAL FORM

The Bid Form must be complete, with all appropriate signatures and acknowledgement of addenda.

SUBCONTRACTOR DECLARATION

The Bidder shall complete a Subcontractor Declaration and submit with their bid proposal, a description of goods, if any, they will not be supplying, as outlined in the Subcontractor Declaration.

ACCESS TO TERMINALS – TWIC REQUIREMENT

In accordance with the Maritime Transportation Security Act, all persons requiring unescorted access to restricted SJPC facilities must possess a Transportation Worker Identification Credential (TWIC), issued by the Transportation Security Administration, before such access is granted. Persons seeking access to SJPC facilities who do not physically possess a TWIC may only enter SJPC facilities with an SJPC approved TWIC escort as a side-by-side companion.

ADDITIONAL APPLICANT RESPONSIBILITIES

The Bidder shall, in response to this RFB, also include the following documents:

1. Small Business Enterprise Questionnaire. The Bidder shall submit a completed form (Exhibit Q1).
2. Mandatory Equal Opportunity. The Bidder shall submit a completed form (Exhibit Q2 or Q3, whichever is applicable).
3. Stockholder Disclosure Certificate. The Bidder shall submit a completed form (Exhibit Q4).
4. Non-Collusion Affidavit. The Bidder shall submit a completed form (Exhibit Q5).
5. Debarred List Affidavit. The Bidder shall submit a completed form (Exhibit Q6).
6. Intentionally omitted (Exhibit Q7).
7. Business Registration Certificate. The Bidder shall submit a completed form (Exhibit Q8).
8. Set-Off State Tax. The Bidder shall submit a completed form (Exhibit Q9).
9. Intentionally omitted (Exhibit Q10).
10. Source Disclosure Form. The Bidder shall submit a completed form (Exhibit Q11).
11. Executive Order #189 Vendor Code of Ethics Affidavit. The Bidder shall submit a completed form (Exhibit Q12).
12. Executive Order #117 Two Year Chapter 51/ Vendor Certification and Disclosure of Political Contributions. The Bidder shall submit a completed form (Exhibit Q13).
13. Executive Order #151 Contract Compliance. The Bidder complete and submit form AA302 (Exhibit Q14).
14. Employee Information Report. The Bidder shall submit a completed form AA302 (Exhibit Q15).
15. Ownership Disclosure Form. The Bidder shall submit a completed form (Exhibit Q16).
16. Intentionally Omitted. (Exhibit Q17).
17. Intentionally Omitted. (Exhibit Q18).
18. Buy American Notice. In the performance of the work under the contract, the Bidder and all subcontractors shall use only domestic materials. (Exhibit Q19).
19. Executive Order #117 Pay-to-Play Restrictions. The Bidder shall submit a completed form (Exhibit Q20).
20. Disclosure/Certification of Investment Activities in Iran. The Bidder shall submit a completed form (Exhibit Q21).
21. NJ ELEC Affidavit. The Bidder shall submit a completed form (Exhibit Q22).
22. Intentionally omitted (Exhibit Q23).

23. Certification of Non-involvement in Prohibited Activities in Russia or Belarus. The Bidder shall submit a completed form (Exhibit Q24).
24. Intentionally Omitted. (Exhibit Q25).
25. Intentionally Omitted. (Exhibit Q26).
26. Confidentiality and Commitment to Defend. The Bidder shall submit a completed form, if applicable. (Exhibit Q27).
27. Disclosure of Investigations and Other Actions Involving the Vendor Form. The Bidder shall submit a completed form, if applicable. (Exhibit Q28).
28. Macbride Principles Form. The Bidder shall submit a completed form, if applicable. (Exhibit Q29).

4.0 SELECTION PROCESS

Method

The SJPC's bid proposal review committee will consist of individuals from the SJPC who will independently analyze each bid proposal. The evaluation team will analyze how the Bidder's qualifications, experience, professional content and proposed methodology meet the SJPC's needs. Bid proposals should be prepared simply and economically, providing straightforward, concise description of the Bidder's capabilities to satisfy the requirements of this RFB.

Criteria

Bid proposals will be evaluated primarily on cost/cost effectiveness (lowest responsible bid proposal), but the Bidder's qualifications and experience may also be considered when evaluating the responsibility of a Bidder and its bid proposal.

The evaluation criteria are intended to be used by the review committee in order for it to make a recommendation to the SJPC Board of Directors ("Board"), who will award the contract, but who are not bound to use the criteria or to award to a particular Bidder on the basis of the recommendation. Furthermore, the SJPC reserves the right to vary from this procedure as it determines to be in the SJPC's best interest.

5.0 CONTRACT AWARD

The final award will be based upon consideration of all information provided as part of the bid proposal submitted by the Bidder.

Upon recommendation of award, the SJPC must seek approval of its governing Board at a scheduled Board meeting. A resolution must be passed by the Board, which resolution is subject to a mandatory Governor's veto period of fifteen (15) days. Upon expiration of the veto period, the SJPC can then award a contract to the successful Bidder.

SJPC 22-100: ELECTRIC RAIL CAR MOVER - BID FORM

Having carefully examined the Technical Specifications and Agreement for this project, the undersigned proposes to provide the goods as set forth therein and to furnish all equipment, supervision, transportation, labor, materials and services required to execute the work in accordance with the Bid Documents for the following Unit Price Costs, unless noted otherwise:

It is understood and agreed that any incidental work necessary to complete the Project in its entirety will be included in the line items, unit prices and lump sum bid, whether or not the line item or items shall specifically state the nature of the incidental work. The line item or items which the incidental work, and the incidental costs, are included shall be selected by the Bidder. It is also understood and agreed that each line item of work in the Proposal shall include all supervision and personnel costs, markups, and other costs envisioned by the Bidder. In other words, all line-item costs bid shall be “all-inclusive”. Therefore, the unit prices to be entered on the Bid Form are obtained by dividing the total cost bid to complete the line item by the quantity shown of the form. The bid shall be determined by adding all line-item costs for all Bid Items under Base Bid. This grand total Base Bid Price shall constitute the Lump Sum Base Bid Cost of the Project.

Negotiations for the adjustments of the unit price of any item will be completed only when that item and other work or items affecting its quantity have been completed and the total net change in the quantity of such item can be ascertained with sufficient accuracy to determine if it be eligible for consideration in accordance with the foregoing provisions.

The Contractor agrees that this proposal will be valid and binding for a period of ninety (90) days to allow the Port time to evaluate the complete proposal to allow for the decision. The Port Engineer will officially notify the Contractor of the acceptance of their bid within ninety (90) days following the bid date pending compliance with delivering the requested documentation.

The undersigned accepts responsibility for having completely examined and understood the intent of the Bid Documents; for having fully examined the site of the work; and for having obtained all pertinent information affecting the work.

Contractor to provide a lump sum proposal in US dollars to supply all necessary design services, materials, labor, tools, consumables, transportation, water craft, cranes, supervision, PPE, all materials and material controls, and any temporary facilities as necessary to provide for the complete and functional technical specifications as described.

SPACE LEFT INTENTIONALLY BLANK

SJPC 22-100: ELECTRIC RAIL CAR MOVER - BID FORM

We Acknowledge Receipt of the Following Addenda

1. ADDENDUM NO. _____ Dated: _____
2. ADDENDUM NO. _____ Dated: _____
3. ADDENDUM NO. _____ Dated: _____
4. ADDENDUM NO. _____ Dated: _____

If no addenda are received, indicate by writing or typing the word "NONE" in the space for first addenda.

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SJPC 22-100: ELECTRIC RAIL CAR MOVER - BID FORM

ITEM	DESCRIPTION	Quantities	Unit	Price
1	Provide an electric rail car mover			
	A. Amount upon executing the P.O.	1	EA	
	B. Amount due upon approval of manufacturer's submittals	1	EA	
	C. Amount due upon delivery	1	EA	
2	Delivery Transport & Unloading Charges	1	EA	
3	Operator Manuals & Spare Parts List	4	EA	
4	Operator & Maintenance Training	1	EA	
5	Extended One Year Warranty for all parts and labor	1	EA	

Item 1A - The bid amount for the manufacturing of one electric rail car mover requested at the time the purchase order is executed between both parties.

Item 1B - The bid amount for the manufacturing of one electric rail car mover requested at the time of fully approved shop (manufacturer) drawings and specifications submittals.

Item 1C - The bid amount for the completed manufacturer of one rail car mover paid at the time of delivery to the Broadway Marine Terminal. The manufacturer shall demonstrate the rail car mover meets all specifications as per the approved submittals.

Item 2 - Item includes delivery and unloading of one rail car mover at the Broadway Terminal. Payment will be made upon setting the unit on the rail tracks.

Item 3 - Item includes four copies of operator manuals and spare parts lists. Payment will be made upon receipt of said manuals and spare parts list.

Item 4 - Item includes providing operator and maintenance training for up to training up to 12 staff at SJPC. Assume three training sessions.

Item 5 - Item 5 includes the cost for an extended warranty period of one (1) additional year for parts and labor to maintain the rail car mover in sound operation.

SJPC 22-100: ELECTRIC RAIL CAR MOVER - BID FORM

Basic Scope LUMP SUM Bid - \$ _____

In words: _____

Company Name _____

Date _____

Signature _____

Print name of person authorized to sign.

Title

REQUIRED BID DOCUMENT SUBMISSION CHECKLIST

	GENERAL BID REQUIREMENTS	CHECKLIST
	Bid Security	N/A
	Certificate of Surety/Consent of Surety	N/A
	Letter of Transmittal	<input type="checkbox"/>
	Required Insurance Acknowledgement	N/A
	Bid Form	<input type="checkbox"/>
	Subcontractor Declaration	<input type="checkbox"/>

EXHIBIT #	BID REQUIREMENTS - Q EXHIBITS	CHECKLIST
Q1	Small Business Enterprise Questionnaire	<input type="checkbox"/>
Q2	Mandatory Equal Employment Opportunity "Exhibit A" Language (Goods/Service Contracts – if applicable)	<input type="checkbox"/>
Q3	Mandatory Equal Opportunity "Exhibit B" Language (Construction Contracts -if applicable)*	N/A
Q4	Stockholder Disclosure Certification	<input type="checkbox"/>
Q5	Non-Collusion Affidavit	<input type="checkbox"/>
Q6	Debarred List Affidavit	<input type="checkbox"/>
Q7	Affirmative Action Evidence for Procurement/Service	N/A
Q8	Business Registration Certificate	<input type="checkbox"/>
Q9	Set-Off for State Tax	<input type="checkbox"/>
Q11	Source Disclosure Form	<input type="checkbox"/>
Q12	Executive Order #189 Vendor Code of Ethics Affidavit	<input type="checkbox"/>
Q13	Executive Order #117 Two Year Chapter 51 / Vender Certification & Disclosure of Political Contributions	<input type="checkbox"/>
Q14	Executive Order #151 Contract Compliance	<input type="checkbox"/>
Q15	Employee Information Report – Form AA302	<input type="checkbox"/>
Q16	Ownership Disclosure Form (formerly E.O. #134)	<input type="checkbox"/>
Q17	Prevailing Wage Notification	N/A
Q18	Public Works Contract Registration	N/A
Q19	Buy America Notice	<input type="checkbox"/>
Q20	Pay to Play	<input type="checkbox"/>
Q21	Disclosure/Certification of Investment Activities in Iran	<input type="checkbox"/>
Q22	NJ Election Law Enforcement Commission (Elec) Affidavit	<input type="checkbox"/>
Q24	Certification of Non-involvement in Prohibited Activities in Russia or Belarus Pursuant to P.I.2022, c.3	<input type="checkbox"/>
Q25	Allen Act Acknowledgement	N/A
Q26	Assurance for Payment of Prevailing Wage	N/A
Q27	Confidentiality and Commitment to Defend	<input type="checkbox"/>
Q28	Disclosure of Investigations and Other Actions Involving the Vendor Form	<input type="checkbox"/>
Q29	Macbride Principles Form	<input type="checkbox"/>



SOUTH JERSEY PORT CORPORATION

GENERAL REQUIRED DOCUMENTS FOR BID AND PROPOSAL PROJECTS

SUBCONTRACTOR DECLARATION

Each bidder shall set forth in the bid the names and addresses of the subcontractors being utilized for this project and their trade. Failure of the bidder to name said subcontractors will be cause for rejection of the bid.

Our company will **not** be utilizing subcontractors for this project.

Our company will be utilizing subcontractors for this project and have attached a separate sheet with their names, addresses, and trades.

(Name of Company)

(Signature of Representative)

(Date)



SOUTH JERSEY PORT CORPORATION

Q EXHIBITS FOR BID AND PROPOSAL PROJECTS

Small Business Enterprise Questionnaire

South Jersey Port Corporation

FOR INFORMATION PURPOSES

New Jersey’s Small Business Set-Aside Program obligates the South Jersey Port Corporation to make 25% of all purchase for goods and services for small businesses. Firms classified as Small Business Enterprises must be registered with the New Jersey Business Action Center.

Registration instructions can be obtained by visiting the State’s website at:

www.nj.gov/njbusiness/contracting/sbsa/ This is not a Set-Aside bid; however South Jersey Port Corporation requires completion of this form to allow the South Jersey Port Corporation to track its Set-Aside obligations are pursuant to Executive Order #71 of former Governor James E. McGreevey and Executive Order #34 of former Governor John S. Corzine.

The South Jersey Port Corporation requests the following:

Our firm is certified/registered with the State of New Jersey Set-Aside Program. Yes No
(Circle One, attach a copy of the certification and enter certification number below)

Certification # _____

	Check Here
SBE (Small Business Enterprise)	_____
MBE (Minority Business Enterprise)	_____
WBE (Woman Business Enterprise)	_____
None of the Above	_____

If yes, please provide Certification & Documentation of MBE & WBE.

NOTE: The South Jersey Port Corporation, being a body politic, is not subject to municipal, state, or federal taxes.

**REQUIRED AFFIRMATIVE ACTION EVIDENCE FOR PROCUREMENT
PROFESSIONAL AND SERVICES CONTRACTS**

All successful vendors must submit one of the following with seven (7) days of the notice to intent to award:

- 1. A photocopy of their Federal Letter of Affirmative Action Plan Approval
Or
- 2. A photocopy of their Certificate of Employee Information Report
Or
- 3. A completed Affirmative Action Employee Information Report (AA302)

PLEASE COMPLETE THE FOLLOWING QUESTIONNAIRE AS PART OF THE BID PACKAGE IN THE EVENT THAT YOU OR YOUR FIRM IS AWARDED THIS CONTRACT

- 1. Our company has a Federal Letter of Affirmative Action Plan Approval
Yes _____ No _____
- 2. Our company has a Certificate of Employee Information Report
Yes _____ No _____
- 3. Our company has neither of the above. Please send Form AA302
(AFFIRMATIVE ACTION EMPLOYEE INFORMATION REPORT)
Check Here _____

NOTE: This form will be sent only if your company is awarded the bid,

I certify that the above information is correct to the best of my knowledge.

NAME _____
(Please type or print)

SIGNATURE _____

TITLE _____

DATE _____

PHONE NUMBER _____

FAX NUMBER _____

EXHIBIT A

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

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional 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, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause. The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

EXHIBIT A (Cont.)

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval;

Certificate of Employee Information Report; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at:

http://www.state.nj.us/treasury/contract_compliance

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be 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.

EXHIBIT B

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127) N.J.A.C. 17:27-1.1 et seq.

CONSTRUCTION CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional 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, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer, pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

When hiring or scheduling workers in each construction trade, the contractor or subcontractor agrees to make good faith efforts to employ minority and women workers in each construction trade consistent with the targeted employment goal prescribed by N.J.A.C. 17:27-7.2; provided, however, that the Dept. of LWD, Construction EEO Monitoring Program, may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by the following provisions, A, B, and C, as long as the Dept. of LWD, Construction EEO Monitoring Program is satisfied that the contractor or subcontractor is employing workers

EXHIBIT B (Cont.)

provided by a union which provides evidence, in accordance with standards prescribed by the Dept. of LWD, Construction EEO Monitoring Program, that its percentage of active “card carrying” members who are minority and women workers is equal to or greater than the targeted employment goal established in accordance with N.J.A.C. 17:27-7.2. The contractor or subcontractor agrees that a good faith effort shall include compliance with the following procedures:

(A) If the contractor or subcontractor has a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three business days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with the rules promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et. seq., as supplemented and amended from time to time and the Americans with Disabilities Act. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five business days prior to the commencement of construction work, the contractor or subcontractor agrees to afford equal employment opportunities minority and women workers directly, consistent with this chapter. If the contractor’s or subcontractor’s prior experience with a construction trade union, regardless of whether the union ‘has provided said ‘assurances, indicates a significant possibility that the trade union will not refer sufficient minority and women workers consistent with affording equal employment opportunities as specified in this chapter, the contractor or subcontractor agrees to be prepared to provide such opportunities to minority and women workers directly, consistent with this chapter, by complying with the hiring or scheduling procedures prescribed under (B) below; and the contractor or subcontractor further agrees to take said action immediately if it determines that the union is not referring minority and women workers consistent with the equal employment opportunity goals set forth in this chapter.

(B) If good faith efforts to meet targeted employment goals have not or cannot be met for each construction trade by adhering to the procedures of (A) above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor agrees to take the following actions:

(1) To notify the public agency compliance officer, the Dept. of LWD, Construction EEO Monitoring Program, and minority and women referral organizations listed by the Division pursuant to N.J.A.C. 17:27-5.3, of its workforce needs, and request referral of minority and women workers.

(2) To notify any minority and women workers who have been listed with it as awaiting available vacancies;

(3) Prior to commencement of work, to request that the local construction trade union refer minority and women workers to fill job openings, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade;

EXHIBIT B (Cont.)

(4) To leave standing requests for additional referral to minority and women workers with the local construction trade union, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State Training and Employment Service and other approved referral sources in the area;

(5) If it is necessary to lay off some of the workers in a given trade on the construction site, layoffs shall be conducted in compliance with the equal employment opportunity and nondiscrimination standards set forth in this regulation, as well as with applicable Federal and State court decisions;

(6) To adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:

(i) The contractor or subcontractor shall interview the referred minority or women worker.

(ii) If said individuals have never previously received any document or certification signifying a level of qualification lower than that required in order to perform the work of the construction trade, the contractor or subcontractor shall in good faith determine the qualifications of such individuals. The contractor or subcontractor shall hire or schedule those individuals who satisfy appropriate qualification standards in conformity with the equal employment opportunity and non-discrimination principles set forth in this chapter. However, a contractor or subcontractor shall determine that the individual at least possesses the requisite skills, and experience recognized by a union, apprentice program or a referral agency, provided the referral agency is acceptable to the Dept. of LWD, Construction EEO Monitoring Program. If necessary, the contractor or subcontractor shall hire or schedule minority and women workers who qualify as trainees pursuant to these rules. All of the requirements, however, are limited by the provisions of (C) below.

(iii) The name of any interested women or minority individual shall be maintained on a waiting list and shall be considered for employment as described in (i) above, whenever vacancies occur. At the request of the Dept. of LWD, Construction EEO Monitoring Program, the contractor or subcontractor shall provide evidence of its good faith efforts to employ women and minorities from the list to fill vacancies.

(iv) If, for any reason, said contractor or subcontractor determines that a minority individual or a woman is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing of the reasons for the determination, maintain a copy of the determination in its files, and send a copy to the public agency compliance officer and to the Dept. of LWD, Construction EEO Monitoring Program.

(7) To keep a complete and accurate record of all requests made for the referral of workers in any trade covered by the contract, on forms made available by the Dept. of LWD, Construction EEO Monitoring Program and submitted promptly to the Dept. of LWD, Construction EEO Monitoring Program upon request.

EXHIBIT B (Cont.)

(C) The contractor or subcontractor agrees that nothing contained in (B) above shall preclude the contractor or subcontractor from complying with the union hiring hall or apprenticeship policies in any applicable collective bargaining agreement or union hiring hall arrangement, and, where required by custom or agreement, it shall send journeymen and trainees to the union for referral, or to the apprenticeship program for admission, pursuant to such agreement or arrangement. However, where the practices of a union or apprenticeship program will result in the exclusion of minorities and women or the failure to refer minorities and women consistent with the targeted county employment goal, the contractor or subcontractor shall consider for employment persons referred pursuant to (B) above without regard to such agreement or arrangement; provided further, however, that the contractor or subcontractor shall not be required to employ women and minority advanced trainees and trainees in numbers which result in the employment of advanced trainees and trainees as a percentage of the total workforce for the construction trade, which percentage significantly exceeds the apprentice to journey worker ratio specified in the applicable collective bargaining agreement, or in the absence of a collective bargaining agreement, exceeds the ratio established by practice in the area for said construction trade. Also, the contractor or subcontractor agrees that, in implementing the procedures of (B) above, it shall, where applicable, employ minority and women workers residing within the geographical jurisdiction of the union.

After notification of award, but prior to signing a construction contract, the contractor shall submit to the public agency compliance officer and the Dept. of LWD, Construction EEO Monitoring Program an initial project workforce report (Form AA-201) electronically provided to the public agency by the Dept. of LWD, Construction EEO Monitoring Program, through its website, for distribution to and completion by the contractor, in accordance with N.J.A.C. 17:27-7. The contractor also agrees to submit a copy of the Monthly Project Workforce Report once a month thereafter for the duration of this contract to the Dept. of LWD, Construction EEO Monitoring Program, and to the public agency compliance officer.

The contractor agrees to cooperate with the public agency in the payment of budgeted funds, as is necessary, for on-the-job and/or off-the job programs for outreach and training of minorities and women.

(D) The contractor and its subcontractors shall furnish such reports or other documents to the Dept. of LWD, Construction EEO Monitoring Program as may be requested by the Dept. of LWD, Construction EEO Monitoring Program 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 Dept. of LWD, Construction EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

STOCKHOLDER DISCLOSURE CERTIFICATION

Q4

Name of Business:

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

Limited Liability Partnership

Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:

Subscribed and sworn before me this ___ day of _____, 20 __.	_____
(Notary Public)	(Affiant)
My Commission expires:	_____
	(Print name & title of affiant)
	(Corporate Seal)

NON-COLLUSION AFFIDAVIT

State of New Jersey

County of _____

SS:

I, _____ residing in _____
(name of affiant) (name of municipality)

in the County of _____ and State of _____

of full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____
(title or position) (name of firm)

the bidder making this Proposal for the bid entitled _____,
(title of bid proposal)

and that I executed the said proposal with full authority to do so that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that South Jersey Port Corp. relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant 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 _____.
(name of firm)

Subscribed and sworn to

before me, this day

_____, 2 _____

Signature

(Type or print name of affiant under signature)

Notary public of

My Commission expires _____

(Seal)

STATE OF NEW JERSEY DEBARRED LIST AFFIDAVIT

I, _____ of the City of _____ in the County of _____ and the State of _____ of full age, being duly sworn according to law on my oath depose that:

I am _____, an officer of the firm of Bid for the above named work, and that I executed the said Bid with full authority to do so; that said bidder at the time of making of this bid is not included on the State of New Jersey, Department of the Treasurer’s List of Debarred, Suspended and Disqualified Bidders and that all statements contained in said Bid and in this Affidavit are true and correct, and made with the full knowledge that the City relies upon the truth of the statements contained in said Bid and in statements contained in the Affidavit in awarding the contract for said work. The undersigned further warrants that should the name of the firm making this bid appear on the State Treasurer’s List of Debarred, Suspended and Disqualified Bidders at any time prior to, and during the life of this Contract, including the Guarantee Period, that the City shall be immediately so notified by the signatory of this Eligibility Affidavit.

The undersigned understands that the firm making the bid as a Contractor is subject to debarment, suspension and / or disqualification in contracting with the State of New Jersey and the Department of Environmental Protection if the Contractor, pursuant to N.J.A.C. 7:1-5.2, commits any of the acts listed therein, and as determined according to applicable law and regulation.

Name of Bidder (Type or Print): _____

Signature of Bidder: _____

Address of Bidder: _____

Name & Title of Affiant: _____

Signature of Affiant: _____

Notarization Section

Subscribed and Sworn before me this _____ day of _____, 20____.

Notary Public

(Seal)

Affirmative Action Evidence for Procurement/Service

Please fill out the following forms AA201 & AA202.

STATE OF NEWJERSEY

DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT
CONSTRUCTION EEO COMPLIANCE MONITORING PROGRAM

Assignment

Code

FORM AA-201

Revised 11/11

INITIAL PROJECT WORKFORCE REPORT CONSTRUCTION

For instructions on completing the form, go to: https://www.nj.gov/treasury/contract_compliance/documents/pdf/forms/aa201ins.pdf

1. FID NUMBER		2. CONTRACTOR ID NUMBER		5. NAME AND ADDRESS OF PUBLIC AGENCY AWARING CONTRACT						
3. NAME AND ADDRESS OF PRIME CONTRACTOR				Name:						
				Address:						
(Name)				CONTRACT NUMBER		DATE OF AWARD		DOLLAR AMOUNT OF AWARD		
(Street Address)				6. NAME AND ADDRESS OF PROJECT				7. PROJECT NUMBER		
(City) (State) (Zip Code)										Name:
4. IS THIS COMPANY MINORITY OWNED [] OR WOMAN OWNED []				Address:						
				COUNTY						8. IS THIS PROJECT COVERED BY A PROJECT LABOR AGREEMENT (PLA)? YES NO
9. TRADE OR CRAFT	PROJECTED TOTAL EMPLOYEES				PROJECTED MINORITY EMPLOYEES				PROJECTED PHASE - IN DATE	PROJECTED COMPLETION DATE
	MALE		FEMALE		MALE		FEMALE			
	J	AP	J	AP	J	AP	J	AP		
1. ASBESTOS WORKER										
2. BRICKLAYER OR MASON										
3. CARPENTER										
4. ELECTRICIAN										
5. GLAZIER										
6. HVAC MECHANIC										
7. IRONWORKER										
8. OPERATING ENGINEER										
9. PAINTER										
10. PLUMBER										
11. ROOFER										
12. SHEET METAL WORKER										
13. SPRINKLER FITTER										
14. STEAMFITTER										
15. SURVEYOR										
16. TILER										
17. TRUCK DRIVER										
18. LABORER										
19. OTHER										
20. OTHER										

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

(Signature)

10. (Please Print Your Name)

(Title)

(Area Code)

(Telephone Number)

(Ext.)

(Date)

State Of New Jersey
 Department of Labor & Workforce Development
 Construction EEO Compliance Monitoring Program

MONTHLY PROJECT WORKFORCE REPORT - CONSTRUCTION

For instructions on completing the form, go to: https://www.nj.gov/treasury/contract_compliance/documents/pdf/forms/aa202ins.pdf			3. F ID or SS Number		
1. Name and address of Prime Contractor		2. Contractor ID Number		4. Reporting Period	
(NAME)			5. Public Agency Awarding Contract		
(ADDRESS)			Date of Award		
(CITY)		(STATE)		(ZIP CODE)	
6. Name and Location of Project				County	7. Project ID Number

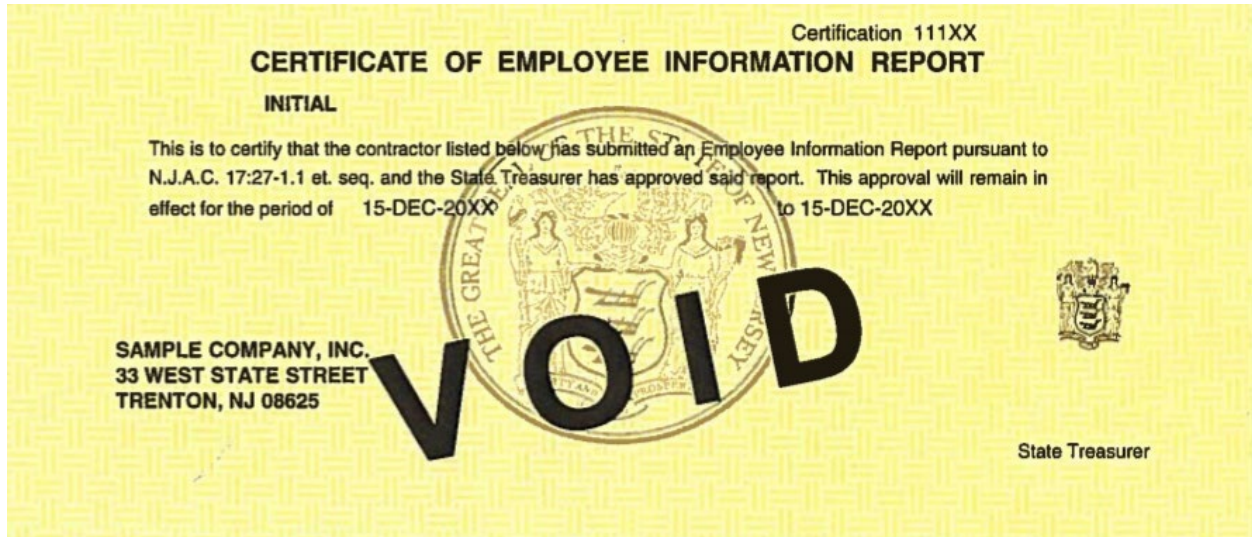
8. CONTRACTOR NAME (LIST PRIME CONTRACTOR WITH SUBS FOLLOWING)	9. PERCENT OF WORK COMPLETED	10. TRADE OR CRAFT	CLASSIFICATION (SEE REVERSE)	11. NUMBER OF EMPLOYEES						12. TOTAL	13. WORK HOURS		14. % OF WORK HRS		15. CUM. WORK HRS		16. CUM. % OF W/H			
				A.	B.	C.	D.	E.	F.	NO. OF MIN. EMP.	TOTAL WORK HOURS	A.	B.	A.	B.	TOTAL WORK HOURS	A.	B.	A.	B.
				TOTAL	BLACK	HISPANIC	AMERICAN INDIAN	ASIAN	FEMALES			MIN.	FEMALE W/H	% OF MIN. W/H	% OF FEMALE W/H		MIN.	FEMALE HOURS	% OF MIN. W/H	% OF FEM. W/H
			J																	
			AP																	
			J																	
			AP																	
			J																	
			AP																	
			J																	
			AP																	
			J																	
			AP																	

17. COMPLETED BY (PRINT OR TYPE)

(NAME) (SIGNATURE) (TITLE)

(AREA CODE) (TELEPHONE NUMBER) (EXT.) (DATE)

Sample Certificate of Employee Information Report



If you are unable to provide your Certificate of Employee Information Report, please fill out the following form and follow the steps.



STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
Division of Purchase & Property, Contract Compliance Audit Unit
EEO Monitoring Program

DUPLICATE CERTIFICATE OF EMPLOYEE INFORMATION REPORT REQUEST

IMPORTANT-FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND SUBMIT THE REQUIRED \$75.00 FEE (Non-Refundable) MAY DELAY ISSUANCE OF YOUR DUPLICATE CERTIFICATE OF EMPLOYEE INFORMATION REPORT.

SECTION A - COMPANY IDENTIFICATION

1. FID. NO. OR SOCIAL SECURITY	2. ASSIGNED CERTIFICATION NUMBER	ISSUE DATE	EXPIRATION DATE
	<input type="text"/>	<input type="text"/>	<input type="text"/>

3. COMPANY NAME

4. STREET	CITY	COUNTY	STATE	ZIP CODE
-----------	------	--------	-------	----------

5. REASON FOR REQUEST OF DUPLICATE CERTIFICATE

1. Lost Certificate 2. Damaged 3. Other (Specify)

SECTION B - SIGNATURE AND IDENTIFICATION

6. NAME OF PERSON COMPLETING FORM (Print or Type)	SIGNATURE	TITLE	DATE MO DAY YEAR
---	-----------	-------	---------------------

7. ADDRESS NO. & STREET	CITY	COUNTY	STATE	ZIP CODE	PHONE (AREA CODE, NO., EXTENSION)
-------------------------	------	--------	-------	----------	-----------------------------------

I certify that the information on this Form is true and correct.

SECTION C - OFFICIAL USE ONLY

RECEIVED DATE:		DIVISION OF REVENUE DLN #:	
----------------	--	----------------------------	--

INSTRUCTIONS FOR COMPLETING DUPLICATE CERTIFICATE REQUEST

- ITEM 1** - Enter the Federal Identification Number assigned by the Internal Revenue Service, or if a Federal Employer Identification Number has been applied for, or if your business is such that you have not or will not receive a Federal Employer Identification Number, enter the Social Security Number of the owner or of one partner, in the case of a partnership.
- ITEM 2** - Enter the Certificate Number that was assigned to your company along with the Issue Date and Expiration Date (If available).
- ITEM 3** - Enter the name by which the company is identified.
- ITEM 4** - Enter the physical location of the company. Include City, County, State and Zip Code.
- ITEM 5** - Enter the reason for requesting a Duplicate Certificate of Employee Information Report.
- ITEM 6** - Print or type the name of the person completing the form. Include the signature, title and date.
- ITEM 7** - Enter the physical location where the form is being completed. Include City, State, Zip Code and Phone Number.

RETAIN A COPY OF THIS REQUEST FOR THE VENDOR'S OWN FILES AND FORWARD ONE COPY WITH A CHECK IN THE AMOUNT OF \$75.00 (Non-Refundable Fee) PAYABLE TO "THE TREASURER, STATE OF NEW JERSEY" TO:

**NJ Department of the Treasury
Division of Purchase & Property
Contract Compliance Audit Unit
EEO Monitoring Program
PO Box 206**

Trenton, New Jersey 08625-0206

Telephone No. (609) 292-5473

PLEASE ALLOW 15 BUSINESS DAYS FOR PROCESSING THE DUPLICATE CERTIFICATE

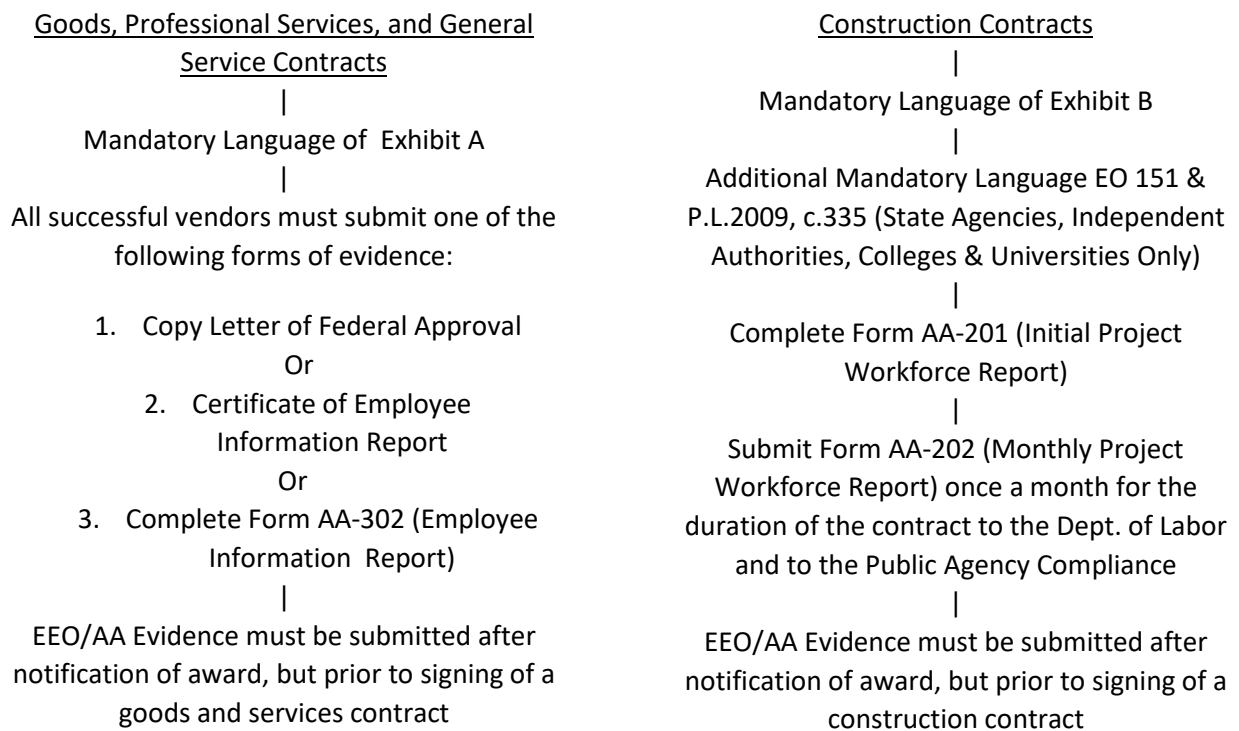
PUBLIC CONTRACT EEO/AA COMPLIANCE PROCEDURES FLOW CHART

EEO/AA Procedures in Awarding Public Contracts

Public Agency

- Include Mandatory Language in advertisements for receipt of bids, solicitation and/or request for proposals.
 - Include appropriate Mandatory Language in contracts and bid specifications.
 - Obtain Required EEO/AA evidence from contractor or vendor.

Vender



BUSINESS REGISTRATION CERTIFICATE

“Pursuant to the terms of N.J.S.A 52:32-44, all bidders/proposers are required to submit with their bid, proof of valid business registration issued by the Division of Revenue in the Department of Treasure. Failure to submit proof of registration is considered cause for mandatory rejection of bids (a non-waivable defect). No contract shall be entered into by the South Jersey Port Corporation unless the contractor first provides proof of valid business registration. In addition, the successful bidder/proposer is required to receive from any subcontractor it used for services under this contract, proof of valid business registration with an contract with the South Jersey Port Corporation unless the subcontractor first provides proof of valid business registration.”

If you are already registered go to <https://www.state.nj.us/treasury/revenue/busregcert.shtml> to obtain a copy of your Business Registration Certificate.

All question regarding this requirement should be referred to the Division of Revenues
<https://www.state.nj.us/treasury/revenue/revgencode.shtml>

*****PLEASE ATTACH COPY OF YOUR NJ BUSINESS
REGISTRATION CERTIFICATE BELOW*****

NOTICE TO ALL BIDDERS SET-OFF FOR STATE TAX

Please be advised that, pursuant to P.L. 1995, c.159, effective January 1, 1996, and notwithstanding any provision of the law to the contrary, whenever any taxpayer, partnership or S corporation under contract to provide goods or services or construction projects to the State of New Jersey or its agencies or instrumentalities, including the legislative and judicial branches of State government, is entitled to payment for those goods or services 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 or shareholder's share of the payment due the taxpayer, partnership or S corporation. The amount set off shall not allow for the deduction of any expenses or other deductions which might be attributable to the taxpayer, partner, or shareholder subject to set-off under this act.

The Director of the Division of Taxation shall give notice of the set-off to the taxpayer and provide an opportunity for a hearing within 30 days of such notice under the procedures for protests established under R.S. 54:49-18. No requests for conference, protest, or subsequent appeal to the Tax Court from any protest under this section shall stay the collection of the indebtedness. Interest that may be payable by the State, pursuant to P.L. 1987, c.184 (c. 52:32-32 et seq.), to the taxpayer shall be stayed".

"I HAVE BEEN ADVISED OF THIS NO"ICE"

COMPANY: _____

SIGNATURE: _____

NAME: _____

TITLE: _____

DATE: _____

SOURCE DISCLOSURE FORM

BID SOLICITATION # AND TITLE: _____

VENDOR/BIDDER NAME: _____

The Vendor/Bidder submits this Form in response to a Bid Solicitation issued by the South Jersey Port Corporation, in accordance with the requirements of N.J.S.A. 52:34-13.2.

PART 1

- All services will be performed by the Contractor and Subcontractors in the United States. Skip Part 2.
- Services will be performed by the Contractor and/or Subcontractors outside of the United States.
Complete Part 2.

PART 2

Where services will be performed outside of the United States, please list every country where services will be performed by the Contractor and all Subcontractors. If any of the services cannot be performed within the United States, the Contractor shall state, with specificity, the reasons why the services cannot be performed in the United States. The Director of the South Jersey Port Corporation will review this justification and if deemed sufficient, the Director may seek the Treasurer’s approval.

Name of Contractor / Sub-contractor	Performance Location by Country	Description of Service(s) to be Performed Outside of the U.S.	Reason Why the Service(s) Cannot be Performed in the U.S.

**Attach additional sheets if necessary to describe which service(s), if any, will be performed outside of the U.S. and the reason(s) why the service(s) cannot be performed in the U.S.*

Any changes to the information set forth in this Form during the term of any Contract awarded under the referenced Bid Solicitation or extension thereof shall be immediately reported by the Contractor to the Director of the South Jersey Port Corporation. If during the term of the Contract, the Contractor shifts the location of services outside the United States, without a prior written determination by the Director, the Contractor shall be deemed in breach of Contract, and the Contract will be subject to termination for cause. (cont.)

CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor/Bidder, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the South Jersey Port Corporation (SJPC) is relying on the information contained herein, and that the Vendor/Bidder is under a continuing obligation from the date of this certification through the completion of any Contract(s) with the SJPC to notify the SJPC in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I will be subject to criminal prosecution under the law, and it will constitute a material breach of my agreement(s) with the SJPC, permitting the SJPC to declare any contract(s) resulting from this certification to be void and unenforceable.

Signature

Date

Print Name and Title

Code of Ethics for Vendors

EXECUTIVE ORDER # 189

The South Jersey Port Corporation considers the maintenance of public trust and confidence essential to its proper functioning, and accordingly has adopted this vendors' Code of Ethics. Vendors who do business with SJPC must avoid all situation where propriety or financial interests, or opportunity for financial gain, could lead to favored treatment for any organization or individual. Vendors must also avoid circumstances and conduct which may constitute actual wrongdoing, or a conflict of interest, but might nevertheless appear questionable to the general public, this compromising the integrity of SJPC.

This code is based upon the principles established in Executive Order 189 and laws governing the Executive Commission on Ethical Standards. N.J.S.A. 52:13D et seq., which, while not strictly applicable to contractors, provides general guidance in this area. Also, this code has been established pursuant to the authority embodied in N.J.S.A. 27:25A et seq., and for good cause.

This Code of Ethics shall be made part of each Request for Proposal (RFP) promulgated by the SJPC and be attached to every contract and agreement to which the SJPC is a party. It shall be distributed to all parties who presently do business with SJPC and, to the extent feasible, to all those parties anticipated doing business with SJPC.

1. No vendor shall employ any SJPC officer or employee in the business of the vendor or professional activity in which the vendor is involved with the SJPC officer or employee.
2. No vendor shall offer or provide an interest, financial or otherwise, direct, or indirect, in the business of the vendor or professional activity in which the vendor is involved with SJPC officer or employee.
3. No vendor shall cause or influence, or attempt to cause or influence any SJPC officer or employee in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of the SJPC official or employee.
4. No vendor shall cause or influence, or attempt to cause influence any SJPC officer or employee to use or attempt to use his or her official position to secure an unwarranted privileges or advantages for that vendor or for any other person.

No vendor shall offer any SJPC officer or employees any gifts or favors, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for purpose of influencing the recipient in the discharge of his or her official duties. In addition, officers, or employees of the SJPC will not be permitted to accept breakfasts, lunches, dinner, alcoholic beverages, tickets to entertainment and/or sporting events or any other item which could be construed having more than nominal value.

NOTE: This section would permit an SJPC officer or employee to accept food or refreshment of relatively low monetary value provided during the course of a meeting, conference or other

occasion where the employee is proper in attendance (for example – coffee, Danish, tea, or soda served during conference break).

Acceptance of unsolicited advertising or promotional material of nominal value (such as inexpensive pens, pencils, or calendars) would be permitted.

Any questions as to what is or is not acceptable or what constitutes proper conduct for an SJPC officer or employee should be referred to the SJPC's Ethic Liaison Officer or his or her designee.

5. This code is intended to augment, not to replace, existing administrative orders and the current SJPC Code of Ethics.

*Vender is defined as any general contractor, subcontractor, consultant, person, firm, corporation, or organization engaging in seeking to do business with the SJPC.

I certify that I have read and understand the aforementioned "Vendor Code of Ethics of the South Jersey Port Corporation".

Vender: _____

Primary Contact & Title: _____

Signature _____

Date: _____

INFORMATION AND INSTRUCTIONS

For Completing the “Two-Year Vendor Certification and Disclosure of Political Contributions” Chapter 51 Form

Background Information

On September 22, 2004, then-Governor James E. McGreevey issued E.O. 134, the purpose of which was to insulate the negotiation and award of State contracts from political contributions that posed a risk of improper influence, purchase of access or the appearance thereof. To this end, E.O. 134 prohibited State departments, agencies and authorities from entering into contracts exceeding \$17,500 with individuals or entities that made certain political contributions. E.O. 134 was superseded by Public Law 2005, c. 51, signed into law on March 22, 2005 (“Chapter 51”).

On September 24, 2008, Governor Jon S. Corzine issued E.O. 117 which is designed to enhance New Jersey’s efforts to protect the integrity of procurement decisions and increase the public’s confidence in government. The Executive Order builds upon the provisions of Chapter 51.

Two-Year Certification Process

Upon approval by the State Chapter 51 Review Unit, the Certification and Disclosure of Political Contributions form is valid for a two (2) year period. Thus, if a vendor receives approval on January 1, 2014, the certification expiration date would be December 31, 2015. Any change in the vendor’s ownership status and/or political contributions during the two-year period will require the submission of new Chapter 51/Executive Order 117 forms to the State Review Unit. **Please note that it is the vendor’s responsibility to file new forms with the State should these changes occur.**

State Agency Instructions: Prior to the awarding of a contract, the State Agency should first use NJSTART (<https://www.njstart.gov/bsol/>) to check the status of a vendor’s Chapter 51 certification before contacting the Review Unit’s mailbox at CD134@treas.nj.gov. If the State Agency does not find any Chapter 51 Certification information in NJSTART and/or the vendor is not registered in NJSTART, then the State Agency should send an e-mail to CD134@treas.nj.gov to verify the certification status of the vendor. If the response is that the vendor is NOT within an approved two-year period, then forms must be obtained from the vendor and forwarded for review. If the response is that the vendor is within an approved two-year period, then the response so stating should be placed with the bid/contract documentation for the subject project.

Instructions for Completing the Form

Part 1: BUSINESS ENTITY INFORMATION

Business Name – Enter the full legal name of the vendor, including trade name if applicable.

Address, City, State, Zip and Phone Number -- Enter the vendor's street address, city, state, zip code and telephone number.

Vendor Email – Enter the vendor’s primary email address.

Vendor FEIN – Please enter the vendor’s Federal Employment Identification Number.

Business Type - Check the appropriate box that represents the vendor's type of business formation.

Listing of officers, shareholders, partners or members - Based on the box checked for the business type, provide the corresponding information. (A complete list must be provided.)

Part 2: DISCLOSURE OF CONTRIBUTIONS

Read the three types of political contributions that require disclosure and, if applicable, provide the recipient's information. The definition of "Business Entity/Vendor" and "Contribution" can be found on pages 3 and 4 of this form.

Name of Recipient - Enter the full legal name of the recipient.

Address of Recipient - Enter the recipient's street address.

Date of Contribution - Indicate the date the contribution was given.

Amount of Contribution - Enter the dollar amount of the contribution.

Type of Contribution - Select the type of contribution from the examples given.

Contributor's Name - Enter the full name of the contributor.

Relationship of the Contributor to the Vendor - Indicate the relationship of the contributor to the vendor. (e.g. officer or shareholder of the company, partner, member, parent company of the vendor, subsidiary of the vendor, etc.)

NOTE: If form is being completed electronically, click "Add a Contribution" to enter additional contributions. Otherwise, please attach additional pages as necessary.

Check the box under the recipient information if no reportable contributions have been solicited or made by the business entity. **This box must be checked if there are no contributions to report.**

Part 3: CERTIFICATION

Check Box A if the representative completing the Certification and Disclosure form is doing so on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity.

(No additional Certification and Disclosure forms are required if BOX A is checked.)

Check Box B if the representative completing the Certification and Disclosure form is doing so on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity with the exception of those individuals and/or entities that submit their own separate form. For example, the representative is not signing on behalf of the vice president of a corporation, but all others. The vice president completes a separate Certification and Disclosure form. **(Additional Certification and Disclosure forms are required from those individuals and/or entities that the representative is not signing on behalf of and are included with the business entity's submittal.)**

Check Box C if the representative completing the Certification and Disclosure form is doing so on behalf of the business entity only. **(Additional Certification and Disclosure forms are required from all individuals and/or entities whose contributions are attributable to the business entity and must be included with the business entity submittal.)**

Check Box D when a sole proprietor is completing the Certification and Disclosure form or when an individual or entity whose contributions are attributable to the business entity is completing a separate Certification and Disclosure form.

Read the five statements of certification prior to signing.

The representative authorized to complete the Certification and Disclosure form must sign and print her/his name, title or position and enter the date.

State Agency Procedure for Submitting Form(s)

The State Agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms either electronically to: cd134@treas.nj.gov or regular mail at: Chapter 51 Review Unit, P.O. Box 230, 33 West State Street, Trenton, NJ 08625-0230. Original forms should remain with the State Agency and copies should be sent to the Chapter 51 Review Unit.

Business Entity Procedure for Submitting Form(s)

The business entity should return this form to the contracting State Agency.

The business entity can submit the Certification and Disclosure form directly to the Chapter 51 Review Unit only when:

- The business entity is approaching its two-year certification expiration date and is seeking certification renewal;
- The business entity had a change in its ownership structure; OR
- The business entity made any contributions during the period in which its last two-year certification was in effect, or during the term of a contract with a State Agency.

Questions & Information

Questions regarding Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13) or E.O. 117 (2008) may be submitted electronically through the Division of Purchase and Property website at: <https://www.state.nj.us/treas/purchase/eo134questions.shtml>.

Reference materials and forms are posted on the Political Contributions Compliance website at: <http://www.state.nj.us/treasury/purchase/execorder134.shtml>.



Division of Purchase and Property

Two-Year Chapter 51/Executive Order 117 Vendor Certification and
Disclosure of Political Contributions

FOR STATE USE ONLY

Solicitation, RFP, or Contract No. _____ Award Amount _____

Description of Services _____

State Agency Name _____ Contact Person _____

Phone Number _____ Contact Email _____

Check if the Contract / Agreement is Being Funded Using FHWA Funds

**Please check if requesting
recertification**

Part 1: Business Entity Information

Full Legal Business Name _____
(Including trade name if applicable)

Address _____

City _____ State _____ Zip _____ Phone _____

Vendor Email _____ Vendor FEIN (SS# if sole proprietor/natural person) _____

**Check off the business type and list below the required information for the type of business selected.
MUST BE COMPLETED IN FULL**

- Corporation: LIST ALL OFFICERS and any 10% and greater shareholder (If the corporation only has one officer, please write "sole officer" after the officer's name.)
- Professional Corporation: LIST ALL OFFICERS and ALL SHAREHOLDERS
- Partnership: LIST ALL PARTNERS with any equity interest
- Limited Liability Company: LIST ALL MEMBERS with any equity interest
- Sole Proprietor

Note: "Officers" means President, Vice President with senior management responsibility, Secretary, Treasurer, Chief Executive Officer or Chief Financial Officer of a corporation, or any person routinely performing such functions for a corporation.

Also Note: "N/A will not be accepted as a valid response. Where applicable, indicate "None."

All Officers of a Corporation or PC

**10% and greater shareholders of a corporation
or all shareholders of a PC**

All Equity partners of a Partnership

All Equity members of a LLC

If you need additional space for listing of Officers, Shareholders, Partners or Members, please attach separate page.

Part 2: Disclosure of Contributions by the business entity or any person or entity whose contributions are attributable to the business entity.

- 1. Report below all contributions solicited or made during the 4 years immediately preceding the commencement of negotiations or submission of a proposal to any:**

Political organization organized under Section 527 of the Internal Revenue Code and which also meets the definition of a continuing political committee as defined in N.J.S.A. 19:44A-3(n)

- 2. Report below all contributions solicited or made during the 5 ½ years immediately preceding the commencement of negotiations or submission of a proposal to any:**

Candidate Committee for or Election Fund of any Gubernatorial or Lieutenant Gubernatorial candidate
State Political Party Committee
County Political Party Committee

- 3. Report below all contributions solicited or made during the 18 months immediately preceding the commencement of negotiations or submission of a proposal to any:**

Municipal Political Party Committee
Legislative Leadership Committee

Full Legal Name of Recipient _____
Address of Recipient _____
Date of Contribution _____ Amount of Contribution _____
Type of Contribution (i.e. currency, check, loan, in-kind) _____
Contributor Name _____
Relationship of Contributor to the Vendor _____
If this form is not being completed electronically, please attach additional contributions on separate page. Click the "Add a Contribution" tab to enter additional contributions.

Remove Contribution

Add a Contribution

Check this box only if no political contributions have been solicited or made by the business entity or any person or entity whose contributions are attributable to the business entity.

Part 3: Certification (Check one box only)

- (A) I am certifying on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity as listed on Page 1 under **Part 1: Vendor Information**.
- (B) I am certifying on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity as listed on Page 1 under **Part 1: Vendor Information**, except for the individuals and/or entities who are submitting separate Certification and Disclosure forms which are included with this submittal.
- (C) I am certifying on behalf of the business entity only; any remaining persons or entities whose contributions are attributable to the business entity (as listed on Page 1) have completed separate Certification and Disclosure forms which are included with this submittal.
- (D) I am certifying as an individual or entity whose contributions are attributable to the business entity.

I hereby certify as follows:

- I have read the Information and Instructions accompanying this form prior to completing the certification on behalf of the business entity.**
- All reportable contributions made by or attributable to the business entity have been listed above.**

3. The business entity has not knowingly solicited or made any contribution of money, pledge of contribution, including in-kind contributions, that would bar the award of a contract to the business entity unless otherwise disclosed above:

- a) Within the 18 months immediately preceding the commencement of negotiations or submission of a proposal for the contract or agreement to:
 - (i) A candidate committee or election fund of any candidate for the public office of Governor or Lieutenant Governor or to a campaign committee or election fund of holder of public office of Governor or Lieutenant Governor; OR
 - (ii) Any State, County or Municipal political party committee; OR
 - (iii) Any Legislative Leadership committee.
- b) During the term of office of the current Governor or Lieutenant Governor to:
 - (i) A candidate committee or election fund of a holder of the public office of Governor or Lieutenant Governor; OR
 - (ii) Any State or County political party committee of the political party that nominated the sitting Governor or Lieutenant Governor in the last gubernatorial election.
- c) Within the 18 months immediately preceding the last day of the sitting Governor or Lieutenant Governor's first term of office to:
 - (i) A candidate committee or election fund of the incumbent Governor or Lieutenant Governor; OR
 - (ii) Any State or County political party committee of the political party that nominated the sitting Governor or Lieutenant Governor in the last gubernatorial election.

4. During the term of the contract/agreement the business entity has a continuing responsibility to report, by submitting a new Certification and Disclosure form, any contribution it solicits or makes to:

- (a) Any candidate committee or election fund of any candidate or holder of the public office of Governor or Lieutenant Governor; OR
- (b) Any State, County or Municipal political party committee; OR
- (c) Any Legislative Leadership committee.

The business entity further acknowledges that contributions solicited or made during the term of the contract/agreement may be determined to be a material breach of the contract/agreement.

5. During the two-year certification period the business entity will report any changes in its ownership structure (including the appointment of an officer within a corporation) by submitting a new Certification and Disclosure form indicating the new owner(s) and reporting said owner(s) contributions.

I certify that the foregoing statements in Parts 1, 2 and 3 are true. I am aware that if any of the statements are willfully false, I may be subject to punishment.

Signed Name _____ Print Name _____

Title/Position _____ Date _____

Procedure for Submitting Form(s)

The contracting State Agency should submit this form to the Chapter 51 Review Unit when it has been required as part of a contracting process. The contracting State Agency should submit a copy of the completed and signed form(s), to the Chapter 51 Unit and retain the original for their records.

The business entity should return this form to the contracting State Agency. The business entity can submit this form directly to the Chapter 51 Review Unit only when it -

- Is approaching its two-year certification expiration date and wishes to renew certification;
- Had a change in its ownership structure; OR
- Made any contributions during the period in which its last two-year certification was in effect, or during the term of a contract with a State Agency.

Forms should be submitted either electronically to: cd134@treas.nj.gov , or regular mail at: Chapter 51 Review Unit, P.O. Box 230, 33 West State Street, Trenton, NJ 08625.

State of New Jersey
Executive Order #151

Governor Jon S. Corzine

WHEREAS, New Jersey is one of the most racially, culturally, and ethnically diverse states in the United States, and this diversity is reflected in the leaders and owners of its businesses, in the leaders and members of the labor movement, and in the employees in every segment of the workforce; and

WHEREAS, the State's business community includes multi-national enterprises, industrial, commercial, and small business sectors; and

WHEREAS, the State's thousands of small businesses, each with fewer than 100 employees, together generate almost 40% of the jobs in the State; and

WHEREAS, small, minority, and women-owned business enterprises have historically been underrepresented in the receipt of State contract awards; and

WHEREAS, the State's workforce provides New Jersey's multinational enterprises, its industrial, commercial, and small business sectors, and its public and not-for-profit sectors with highly educated, highly skilled, and highly motivated employees, who contribute to the prosperity of the State while supporting their families; and

WHEREAS, in response to the current national recession, the United States Congress enacted the American Recovery and Reinvestment Act of 2009 (ARRA), which will increase federal spending at the State and local levels by approximately \$10 billion, and will fully fund certain work in the State, and partially fund other State projects; and

WHEREAS, given the recession and unemployment levels in New Jersey, it is imperative that every sector of the economy be offered the opportunity to benefit from the federal economic recovery funds and the State's own spending; and

WHEREAS, many of the State's businesses have significant public construction contracts and other contracts to provide goods or services to government and many others would like the opportunity to compete for these contracts to expand their businesses while serving the public; and

WHEREAS, residents of the State of New Jersey deserve a government that provides equal opportunity for all contractors to compete to submit winning bids on public contracts; and

WHEREAS, residents of the State of New Jersey, especially during these difficult economic times, deserve a government that does everything it can to expand job opportunities, particularly for men and women who are entering the workforce, who have experienced difficulties entering the workforce, or who have recently become unemployed or underemployed; and

WHEREAS, the State created an internet site, <http://www.recovery.nj.gov>, which outlines the allocation of New Jersey's share of economic recovery funds under the ARRA; and

WHEREAS, to spend ARRA funds transparently and ensure that those seeking work have a fair chance to obtain ARRA-funded employment, State agencies and entities should be required to post all State and

ARRA-funded jobs on the State Job Bank internet site, <http://NJ.gov/JobCentralNJ>, to allow New Jersey residents to identify these employment opportunities; and

WHEREAS, the State must procure its construction services, goods, and other services as efficiently as possible, with transparency in the processing, selection, and awarding of public contracts; and

WHEREAS, robust competition for public contracts ensures that the government of the State of New Jersey obtains the construction services, goods, and other services it needs to perform its vital functions with maximum cost effectiveness; and

WHEREAS, broad and sustained efforts to notify all potential bidders of opportunities to contract with government should be encouraged to promote competition for public contracts, thus benefiting the public fisc; and

WHEREAS, the State of New Jersey commissioned the State of New Jersey Construction Services Disparity Study 2000 – 2002 (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June 2005), and both studies documented significant disparities between the firms ready, willing, and able to do business with the State, and those firms actually awarded contracts by State departments, agencies, authorities, colleges, and universities, as a result of which this Administration created through Executive Order No. 34 (2006) the Division of Minority and Women Business Development (“Division of M/W Business Development”); and

WHEREAS, Executive Order No. 34 charged the Director of the Division of M/W Business Development with monitoring programs to increase the participation of minority and women-owned businesses in the State’s purchasing and procurement processes; and

WHEREAS, since its inception, the Division of M/W Business Development, working with the Department of the Treasury’s Office of Supplier Diversity (“OSD”), has identified strategies to increase the number of small and minority and women-owned businesses interested in and eligible to benefit from state procurement activity; and

WHEREAS, the Division of M/W Business Development and OSD have increased outreach to and expanded the ability of these businesses to fulfill bid requirements for state contracts; and

WHEREAS, the Division of Public Contracts Equal Employment Opportunity Compliance in the Department of the Treasury (Division of Contract Compliance) monitors the employment of women and minorities with businesses that contract with government in an effort to ensure that contractors and vendors make good faith efforts to hire minorities and women in accordance with targeted goals based on the United States Census’ workforce availability statistics;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All members of the public should be afforded the opportunity to benefit from the federal economic recovery funds and associated state spending, and in particular, this Administration re-affirms the State’s commitment, expressed in statute and regulation, that every public contract, whether for construction services, goods, or other services, shall provide equal employment opportunity for women and minorities.

2. The Commissioners of the Departments of Community Affairs, Education, Environmental Protection, and Transportation; the President of the Board of Public Utilities; and the executive directors of the Schools Development Authority and the Economic Development Authority are directed to meet with members of the Governor's office, the Department of the Treasury, and representatives of the United States Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) to ensure that those departments receiving the bulk of federal economic recovery funds will provide the OFCCP their complete cooperation in complying with its mandates.

3. The Division of Contract Compliance shall be the entity within the Executive Branch responsible for determining whether minorities and women have been offered a fair opportunity for employment on State contracts. Executive branch departments and agencies, independent authorities, and State colleges and universities are directed to cooperate fully with the Division of Contract Compliance's enforcement efforts, consistent with law, and to award public contracts only to those businesses that agree to comply with equal employment opportunity and affirmative action requirements.

4. The Division of Contract Compliance shall work cooperatively with the OFCCP, including sharing its workforce data to the maximum extent permitted by law, to assist the OFCCP in its enforcement efforts.

5. When not restricted by any other State or federal law, the Division of Contract Compliance shall determine whether each of the State entities whose performance it monitors (the "Reporting Agencies" listed in Appendix A to this Order) properly allocated and released to the Department of Labor and Workforce Development, as authorized by law, one-half of one percent of the total cost of a construction contract of \$1,000,000 or more, to be used by the department for the New Jersey Builders Utilization Initiative for Labor Diversity program to train minorities and women for employment in construction trades. This provision shall apply to those construction contracts where the funding for the contract consists entirely of appropriated funds or a combination of funds from appropriated funds and other sources.

6. As a result of the aforementioned significant disparities in employment of minorities and women on construction sites and within the construction trades, all construction contracts entered into and funded, in whole or in part, by the State shall include mandatory EEO/AA contract language (in the form of Appendix B to this Order) that requires contractors to make a good faith effort to recruit and employ minorities and women as required by provisions of the Administrative Code, including but not limited to N.J.A.C. 17:27-3.6 to 3.8, and 17:27-7.3 and 7.4. In addition to the language set forth in Appendix B, such construction contracts shall contain the contractual language as required by N.J.A.C. 17-27-3.6, 3.7, and 3.8. As to the portion of each contract that is State funded, the language of the contract shall provide, consistent with Appendix B, that payment may be withheld for failure of the contractor to demonstrate to the satisfaction of the Reporting Agency that the required good faith effort was made. Failure of a contractor to satisfy the good faith effort requirement of its contract may also subject it to assessments imposed pursuant to findings of the Division of Contract Compliance in the Department of the Treasury, in accordance with N.J.A.C. 17:27-10.

7. Except as described in subparagraphs (a) and (b) of this paragraph, each Executive Branch agency that is a recipient of federal economic recovery funds pursuant to ARRA shall include in any contract, grant, or agreement funded in whole or in part with ARRA funds a clause requiring subrecipients, contractors, subcontractors, local education agencies, and vendors to post all job openings created pursuant to the contract, grant, or agreement on the State's Job Bank at least 14 days before hiring is to commence. The clause shall state: "Since the funds supporting this contract, grant, or agreement are provided through the American Recovery and Reinvestment Act of 2009 (ARRA), the subrecipient, contractor, subcontractor, local education agency, or vendor will post any jobs that it creates or seeks to fill as a result of this

contract, grant, or agreement. The subrecipient, contractor, subcontractor, local education agency, or vendor will post jobs to the New Jersey State Job Bank by submitting a job order using the form available at <http://www.NJ.gov/JobCentralNJ>, notwithstanding any other posting the subrecipient, contractor, subcontractor, local education agency, or vendor might make. Any advertisements posted by the subrecipient, contractor, subcontractor, local education agency, or vendor for positions pursuant to this contract, grant, or agreement must indicate that the position is funded with ARRA funds."

a. Posting shall not be required where the employer intends to fill the job opening with a present employee, a laid-off former employee, or a job candidate from a previous recruitment, where pre-existing, legally binding collective bargaining agreements provide otherwise, or where an exception has been granted to the Reporting Agency by the Department of Labor and Workforce Development.

b. Nothing in this Order shall be interpreted to require the employment of apprentices if such employment may result in the displacement of journey workers employed by any employer, contractor, or subcontractor.

8. All local government entities and local education agencies that have received or will receive directly from a federal agency federal economic recovery funds are strongly encouraged to require their contractors and subcontractors to post job openings on the State's Job Bank at least 14 days before hiring is to commence. Moreover, all New Jersey employers that enter into contracts funded with ARRA funds received by a local government entity or a local education agency directly from a federal agency are likewise strongly encouraged to post job openings created pursuant to the ARRA.

9. The Division of M/W Business Development shall send to the Reporting Agencies the contractual language set forth in Appendix C of this Order. Provisions of this contractual language have been shown to have a significant impact on (a) increasing the number of small and minority and women-owned businesses aware of contracting opportunities with the State and (b) increasing the number of such businesses competing for contracts with the State or subcontracts with entities contracting with the State. The Division of M/W Business Development shall work with each Reporting Agency to ensure the reporting of and ensure compliance with contract-specific contracting and subcontracting goals for the Reporting Agency that are consistent with the availability percentages set forth in Appendix D. These goals should incorporate good faith effort requirements and should be adjusted annually, consistent with the availability of minority and women-owned businesses for which significant disparities in utilization have been demonstrated in each business category.

10. Each Reporting Agency shall:

a. Inform the Division of M/W Business Development of contracting opportunities at the same time that it advertises or otherwise posts public notices of such opportunities, via consistent and timely upload of all-inclusive information to the bid opportunities database services managed by the Division of M/W Business Development. All pre-bid requirements shall be prominently advertised at the time of uploading to the Division of M/W Business Development databases;

b. Actively and regularly use the databases and other on-line services managed and operated by the Division of M/W Business Development to identify additional potential bidders. Because these databases and on-line services identify minority and women-owned businesses known to and registered or certified with the Division of M/W Business Development, the ongoing use of these resources by buyers, procurement agents, and other purchasing staff shall be closely monitored by the Reporting Agency's senior management;

c. Contact the businesses identified in the Division of M/W Business Development's databases and on-line services to provide them with notice of the contracting opportunities available through the Reporting Agency; and

d. Report to the Division of M/W Business Development all payments and awards prime contractors have issued to subcontractors, identifying payments and awards to minority and women-owned businesses on at least a quarterly basis.

11. To the maximum extent practicable, and when not restricted by any other State or federal law, each Reporting Agency shall incorporate the substance of the contractual language set forth in Appendix C into its contracts, while continuing to follow the particular State and federal laws and regulations governing its contracting and procurement practices.

12. Each Reporting Agency shall, where substitution of subcontractors or sub-consultants is permitted, promulgate policies governing the circumstances under which contractors or consultants may substitute subcontractors or sub-consultants named in bid proposals or otherwise identified as small or women or minority-owned business subcontractors, sub-consultants, or vendors ("Substitution Policies"). The Substitution Policies shall provide that:

a. The contractor or consultant must notify and obtain approval from a small or women or minority-owned business subcontractor, sub-consultant, or vendor ("SMWBE contractor") before including that contractor in a bid proposal or similar contract-related submission;

b. The contractor or consultant must notify and obtain authorization from the Reporting Agency before it substitutes a SMWBE contractor named in a bid proposal or other contract-related submission; and

c. If the substitution is approved, the contractor or consultant shall make a good faith effort to utilize another SMWBE contractor in place of the previous SMWBE contractor.

13. Each Reporting Agency shall report to the Division of M/W Business Development when it has incorporated the language set forth in Appendix C in its contracts. It shall also report to the Division of M/W Business Development when it has adopted its Substitution Policy, where such policy is permitted. The Division of M/W Business Development shall report on the number of Reporting Agencies that have modified their contracts and adopted a Substitution Policy at three month intervals until all of the Reporting Agencies have completed incorporation of the contractual language set forth in Appendix C and, where legally permitted, adoption of the Substitution Policy.

14. Nothing in this Order shall modify existing law, state or federal, or authorize a Reporting Agency to amend, modify, or otherwise alter pre-existing legal obligations. Further, this Order shall be interpreted consistently with the ARRA, and the federal regulations and guidelines governing its implementation, and in the event of a conflict between this Order and federal law governing ARRA, the Order shall be interpreted to comply with federal law.

15. Within 90 days of the date of this Order, the Division of M/W Business Development shall prepare a Contracting Guide identifying the management practices that have the greatest success in: (a) increasing the number of small and minority and women-owned businesses made aware of contracting opportunities with the State; and (b) increasing the number of such businesses competing for contracts with the state or subcontracts with entities contracting with the state. As soon as practicable thereafter, the Division of M/W Business Development shall distribute the Contracting Guide to the Reporting Agencies.

16. As soon as practicable after its receipt of the Contracting Guide, each Reporting Agency shall implement those provisions that it views as most likely to have the greatest impact in increasing contracting opportunities for small and minority and women-owned businesses.

17. Within one year and ninety days of the effective date of this Order, the Division of M/W Business Development and the Division of Contract Compliance shall each prepare a report describing the Reporting Agencies' implementation of this Order. The Division of M/W Business Development and the Division of Contract Compliance each shall prepare a second report within one year of issuing its first report.

18. The Department of Labor and Workforce Development shall work together with all other Reporting Agencies that will receive ARRA funding and with the representatives of the United States Environmental Protection Agency, the Federal Departments of Labor, Energy, Transportation, and Housing and Urban Development, and any other federal agencies distributing ARRA funds to:

- a. Coordinate with labor unions that will aggressively recruit minorities and women for apprenticeships and training opportunities;
- b. Increase outreach to and enrollment of minorities and women in apprenticeship, training, and related programs; and
- c. Ensure that, to the greatest extent possible under the law, minorities and women apprentices and trainees are working on State and ARRA-funded work sites.

19. The Department of the Treasury and other departments, agencies, and independent authorities shall, consistent with law, take steps to increase their engagement of small, minority, or women-owned or controlled banks and credit unions to meet their financial service's needs.

20. This Order shall take effect immediately.

GIVEN, under my hand and seal thi^s 28th day of August Two Thousand and Nine, and of the Independence of the United States, the Two Hundred and Thirty-Fourth.

/s/ Jon S. Corzine

Governor

[seal]

Attest:

/s/ Kay Walcott-Henderson

First Assistant Chief Counsel

APPENDIX A**LIST OF REPORTING AGENCIES**

Board of Public Utility Commissioners
Casino Control Commission
Casino Reinvestment Development Authority
Commission on Higher Education
Commission on Science & Technology
Council on Affordable Housing
Department of Agriculture
Department of Military & Veterans' Affairs
Department of Banking & Insurance
Department of Children & Families
Department of Community Affairs
Department of Corrections
Department of Education
Department of Environmental Protection
Department of Health and Senior Services
Department of Human Services
Department of Labor and Workforce Development
Department of Law & Public Safety
Department of Public Advocate
Department of State
Department of Transportation
Department of the Treasury
Division of Property Management and Construction
Election Law Enforcement Commission
Fort Monmouth Economic Revitalization Planning Authority
Garden State Preservation Trust
Higher Education Student Assistance Authority
Kean University
Legalized Games of Chance Control Commission
Montclair State University
Motion Picture Commission
Motor Vehicle Commission
New Jersey City University
New Jersey Cultural Trust
New Jersey Institute of Technology
New Jersey Transit
NJ Building Authority
NJ Economic Development Authority
NJ Educational Facilities Authority
NJ Environmental Infrastructure Trust
NJ Health Care Facilities Financing Authority
NJ Highlands Council
NJ Housing & Mortgage Finance Agency
NJ Maritime Pilot and Docking Pilot Commission
NJ Meadowlands Commission
NJ Pinelands Commission

NJ Public Television & Radio (NJN) NJ Racing Commission NJ Redevelopment Authority
NJ Schools Development Authority
NJ Sports & Exposition Authority
NJ State Museum
NJ Turnpike Authority
NJ Water Supply Authority
North Jersey Transportation Planning Authority
North Jersey District Water Supply Commission
Office of Homeland Security
Office of Information Technology
Office of the Child Advocate
Office of the Inspector General
Office of the Public Defender
Ramapo College
Rowan University
Rutgers University
South Jersey Port Corporation
South Jersey Transportation Authority
South Jersey Transportation Planning Organization
State Agriculture Development Committee
State Economic Recovery Board For Camden
State Ethics Commission
State Employment & Training Commission
State Lottery Commission
Stockton College
The College of New Jersey
Thomas Edison State College
Transportation Trust Fund Authority
University of Medicine & Dentistry of New Jersey
William Paterson University

APPENDIX B

It is the policy of the South Jersey Port Corporation that its contracts should create a workforce that reflects the diversity of the State of New Jersey. Therefore, contractors engaged by the South Jersey Port Corporation to perform under a construction contract shall put forth a good faith effort to engage in recruitment and employment practices that further the goal of fostering equal opportunities to minorities and women.

The contractor must demonstrate to the South Jersey Port Corporation's satisfaction that a good faith effort was made to ensure that minorities and women have been afforded equal opportunity to gain employment under the South Jersey Port Corporation's contract with the contractor. Payment may be withheld from a contractor's contract for failure to comply with these provisions.

Evidence of a "good faith effort" includes, but is not limited to:

1. The Contractor shall recruit prospective employees through the State Job bank website, managed by the Department of Labor and Workforce Development, available online at <http://NJ.gov/JobCentralNJ>.
2. The Contractor shall keep specific records of its efforts, including records of all individuals interviewed and hired, including the specific numbers of minorities and women.
3. The Contractor shall actively solicit and shall provide the South Jersey Port Corporation with proof of solicitations for employment, including but not limited to advertisements in general circulation media, professional service publications and electronic media.
4. The Contractor shall provide evidence of efforts described at 2 above to the South Jersey Port Corporation no less frequently than once every 12 months.
5. The Contractor shall comply with the requirements set forth at N.J.A.C. 17:27.

APPENDIX C

It is the policy of the South Jersey Port Corporation that small businesses (each a “small business enterprise” or “SBE”), as determined and defined by the State of New Jersey, Division of Minority and Women Business Development (“Division”) and the New Jersey Department of the Treasury (“Treasury”) in N.J.A.C. 17:14 et seq. or other application regulation, should have the opportunity to participate in South Jersey Port Corporation Contracts.

To the extent the Firm engages subcontractors or sub-consultants to perform Services for the South Jersey Port Corporation pursuant to this Contract, the Firm must demonstrate to the South Jersey Port Corporation’s satisfaction that a good faith effort was made to utilize subcontractors and sub-consultants who are registered with the Division as SBEs. Furthermore, the South Jersey Port Corporation shall be evaluated quarterly by the Division, based on its attainment of the Participation Goals set forth in the State of New Jersey Construction Services Disparity Study (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June, 2005). (These participation goals are set forth below.)

Evidence of a “good faith effort” includes, but is not limited to:

1. The Firm shall request listings of SBEs from the Division (609) 292-2146 and/or the South Jersey Port Corporation and attempt to contact same.
2. The Firm shall keep specific records of its efforts, including records of all requests made to the Division, the names of SBEs contacted, and the means and results of such contacts, including without limitation receipts from certified mail and telephone records.
3. The Firm shall actively solicit and shall provide the South Jersey Port Corporation with proof of solicitations of SBEs for the provision of Services, including advertisements in general circulation media, professional service publications and small business, minority-owned business or women-owned business focus media.
4. The Firm shall provide evidence of efforts made to identify categories of Services capable of being performed by SBEs.
5. The Firm shall provide all potential subcontractors and sub-consultants that the Firm has contacted pursuant to 2 or 3 above with detailed information regarding the scope of work of the subject contract.
6. The Firm shall provide evidence of efforts made to use the goods and/or services of available community organizations, consultant groups, and local, State, and federal agencies that provide assistance in the recruitment and placement of SBEs.

Furthermore, the Firm shall submit proof of its subcontractors’ and/or sub-consultants’ SBE registrations on the form attached as Exhibit __, and shall complete such other forms as may be required by the South Jersey Port Corporation for State reporting as to participation.

Participation Goals

1. Construction Services Contracts/Subcontracts (including new construction and renovations, except routine building maintenance; residential and non-residential building construction; heavy construction, such as streets, roads and bridges; and special trade construction, such as fencing, HVAC, paving and electrical).

(a) State Agencies/Authorities/Commissions

African Americans -- 6.3%
 Asian Americans -- 4.34%

(b) State Colleges and Universities

African Americans -- 6.3%
 Asian Americans -- 4.34%
 Caucasian Females -- 12.67%

2. Construction-Related Services Contracts/Subcontracts (including design services, such as architectural, engineering and construction management services, that are performed as part of a construction project).

State Colleges and Universities

African Americans -- 4.51%
 Asian Americans -- 7.11%
 Hispanics -- 4.

3. Professional Services (with the exception of those professional services deemed to be construction-related, all services that are of a professional nature and requiring special licensing, education degrees and/or very highly specialized expertise, including accounting and financial services, advertising services, laboratory testing services; legal services; management consulting services; technical services and training).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.47%
 Asian Americans -- 1.47%
 Hispanics -- 1.1%
 Native Americans -- 0.07%
 Caucasian Females -- 3.

4. Other Services (any service that is labor-intensive and neither professional nor construction-related, including, but not limited to equipment rental; janitorial and maintenance services; landfill services; laundry and dry cleaning; maintenance and repairs; printing; real property services; security services; special department supplies; subsidy, care and support; telecommunications; and temporary help).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 1.22%
 Asian Americans -- 0.85%
 Hispanics -- 0.67%
 Native Americans -- 0.05%
 Caucasian Females -- 1.

5. Goods and Commodities (equipment and consumable items purchased in bulk, or a deliverable product including, but not limited to automobiles and equipment; chemicals and laboratory supplies, construction

materials and supplies; equipment parts and supplies; fuels and lubricants; janitorial and cleaning supplies; office equipment; office supplies; radio equipment; special department supplies; technical supplies; tires and tubes; traffic signals; and uniforms).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.71%

Asian Americans -- 1.74%

Hispanics -- 1.32%

Native Americans -- 0.10%

Caucasian Females -- 4.45%

Appendix D

Consistent with the findings of the State of New Jersey Construction Services Disparity Study (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June 13, 2005), each Reporting Agency should aspire to allocate a portion of its total contracting dollars in accordance with the following goals.

1. Construction Services Contracts/Subcontracts (including new construction and renovations, except routine building maintenance; residential and non-residential building construction; heavy construction, such as streets, roads and bridges; and special trade construction, such as fencing, HVAC, paving and electrical.

(c) State Agencies/Authorities/Commissions

African Americans -- 6.3%
Asian Americans -- 4.34%

(d) State Colleges and Universities

African Americans -- 6.3%
Asian Americans -- 4.34%
Caucasian Females -- 12.67%

2. Construction-Related Services Contracts/Subcontracts (including design services, such as architectural, engineering and construction management services, that are performed as part of a construction project).

State Colleges and Universities

African Americans -- 4.51%
Asian Americans -- 7.11%
Hispanics -- 4.

3. Professional Services (with the exception of those professional services deemed to be construction-related, all services that are of a professional nature and requiring special licensing, education degrees and/or very highly specialized expertise, including accounting and financial services, advertising services, laboratory testing services; legal services; management consulting services; technical services and training).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.47%
Asian Americans -- 1.47%
Hispanics -- 1.1%
Native Americans -- 0.07%
Caucasian Females -- 3.

4. Other Services (any service that is labor-intensive and neither professional nor construction-related, including, but not limited to equipment rental; janitorial and maintenance services; landfill services; laundry and dry cleaning; maintenance and repairs; printing; real property services; security services; special department supplies; subsidy, care and support; telecommunications; and temporary help).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 1.22%
Asian Americans -- 0.85%
Hispanics -- 0.67%
Native Americans -- 0.05%
Caucasian Females -- 1.

4. Goods and Commodities (equipment and consumable items purchased in bulk, or a deliverable product including, but not limited to automobiles and equipment; chemicals and laboratory supplies, construction materials and supplies; equipment parts and supplies; fuels and lubricants; janitorial and cleaning supplies; office equipment; office supplies; radio equipment; special department supplies; technical supplies; tires and tubes; traffic signals; and uniforms).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.71%
Asian Americans -- 1.74%
Hispanics -- 1.32%
Native Americans -- 0.10%
Caucasian Females -- 4.45%

GIVEN, under my hand and seal thi^s 28th day of August
Two Thousand and Nine, and of the Independence of
the United States, the Two Hundred and Thirty-Fourth.

/s/ Jon S. Corzine

Governor

[seal]

Attest:

/s/ Kay Walcott-Henderson

First Assistant Chief Counsel



**STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY**

Q16

**33 WEST STATE STREET, P.O. BOX 230
TRENTON, NEW JERSEY 08625-0230**

OWNERSHIP DISCLOSURE FORM

BID SOLICITATION #: _____ **VENDOR {BIDDER}:** _____

**ALL PARTIES ENTERING INTO A CONTRACT WITH THE STATE ARE REQUIRED TO PROVIDE THE
INFORMATION REQUESTED PURSUANT TO N.J.S.A. 52:25-24.2.**

PLEASE NOTE THAT IF THE VENDOR/BIDDER IS A NON-PROFIT ENTITY, THIS FORM IS NOT REQUIRED.

PART 1

YES NO

Are there any individuals, partners, members, stockholders, corporations, partnerships, or limited liability companies owning a 10% or greater interest in the Vendor {Bidder}?

If you answered, "YES" above, you must disclose the following: (a) the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class; (b) all individual partners in the partnership who own a 10 percent or greater interest therein; or, (c) all members in the limited liability company who own a 10 percent or greater interest therein.

NAME	_____
ADDRESS 1	_____
ADDRESS 2	_____
CITY	_____ STATE _____ ZIP _____

NAME	_____
ADDRESS 1	_____
ADDRESS 2	_____
CITY	_____ STATE _____ ZIP _____

NAME	_____
ADDRESS 1	_____
ADDRESS 2	_____
CITY	_____ STATE _____ ZIP _____

NAME	_____
ADDRESS 1	_____
ADDRESS 2	_____
CITY	_____ STATE _____ ZIP _____

NAME	_____
ADDRESS 1	_____
ADDRESS 2	_____
CITY	_____ STATE _____ ZIP _____

Attach Additional Sheets If Necessary.

PART 2

YES NO

Of those entities disclosed above owning a 10% or greater interest in the Vendor {Bidder}, are there any individuals, partners, members, stockholders, corporations, partnerships, or limited liability companies owning a 10% or greater interest of those listed entities?

If you answered, "YES" above, you must disclose the following: (a) the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class; (b) all individual partners in the partnership who own a 10 percent or greater interest therein; or, (c) all members in the limited liability company who own a 10 percent or greater interest therein. Please note that this disclosure shall be continued until names and addresses of every non-corporate stockholder, and individual partner, and member, exceeding the 10 percent ownership criteria established in this act, has been identified.

Name of the entity listed above to which the disclosure below applies: _____

NAME	_____
ADDRESS 1	_____
ADDRESS 2	_____
CITY	_____ STATE _____ ZIP _____

NAME	_____
ADDRESS 1	_____
ADDRESS 2	_____
CITY	_____ STATE _____ ZIP _____

NAME	_____
ADDRESS 1	_____
ADDRESS 2	_____
CITY	_____ STATE _____ ZIP _____

NAME	_____
ADDRESS 1	_____
ADDRESS 2	_____
CITY	_____ STATE _____ ZIP _____

NAME	_____
ADDRESS 1	_____
ADDRESS 2	_____
CITY	_____ STATE _____ ZIP _____

Attach Additional Sheets If Necessary.

PART 3

As an alternative to completing this form, a Vendor {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.

PREVAILING WAGE ACT COMPLIANCE DECLARATION

The Contractor hereby agrees to comply in all respects with the New Jersey Prevailing Wage Act, Chapter 150, P.L. 1963 as amended. A copy of the prevailing wage rates pertaining to the work issued by the New Jersey Department of Labor and Industry entitled, "Prevailing Wage Rate Determination", is attached at the close of this section, or is available upon request at the Offices of the South Jersey Port Corporation. Pursuant to N.J.S.A., 34:11-56.37 and 34:11-56.38, Prevailing Wage Act, no public works contract may awarded to any contractor or subcontractor or to any firm, corporation or partnership in which they have an interest on the disbarred bidders list located at the end of this specification, or available upon request at the Offices of the South Jersey Port Corporation, until expiration date give. Workmen shall be paid not less than such prevailing wage rate. In the event it is found that any workmen employed by the Contractor or any Subcontractor covered by the contract herein has been paid a rate of wages less then the prevailing rate required to be paid such contract, the Owner may terminate the Contractor's or Subcontract's right to proceed with the work or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The Contractor and his sureties shall be liable to the Owner for any excess cost occasioned thereby.

Before final payment is made by or on behalf of the Owner any sum or sums due to the work, the Contract of Subcontractor shall file with the treasurer of the Owner, written statements in a form satisfactory to the Commissioner of Labor and Industry certifying to the amounts then due owing from such contractor or subcontractor filling such statement to any and all workmen wages due on account of the work, setting forth therein the name of the persons whose wages are unpaid and the amount due to each respectively which statement shall be certified by the oath of the Contractor or Subcontractor as the case may be in accordance with the said New Jersey Prevailing Wage Act.

The prevailing wage rate shall be determined by the Commissioner of Labor and Industry or his duly authorized deputy or representative.

The undersigned in an (individual)(partnership)(corporation) under the Laws of the State of, _____ having principal offices at _____.

Signature: _____

Print Name: _____

Company Name : _____

Address : _____

Phone Number: _____

COMPLIANCE WITH PUBLIC WORKS CONTRACTOR REGISTRATION ACT

The bidder shall comply with the Public Works Contractor Registration Act P.L. 1999, c 238 (N.J.S.A, 34:11-56.48, et seq.) on all bids for public works as defined in the law. Proof of compliance with this law when it applies, must be submitted with the bid.

- Attached hereto is a copy of Certificate of Registration pursuant to N.J.S.A. 34:11-56.54

Or

- Attached hereto is a copy of filed registration from and proof of payment of the registration fee pursuant to N.J.S.A. 34:11-56.55

Bidders Signature: _____

Bidders Name: _____

Address of Bidder: _____

Signature of Affiant: _____

Printed Name & Title of Affiant: _____

NOTARIZATION SECTION

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public of _____

My Commission Expires: _____

BUY AMERICAN NOTICE

In the performance of the work under this contract the contractor and all subcontractors shall use only domestic materials. Builders may bid using non-domestic material but shall specify wherever such non-domestic materials are bid the difference in cost between the domestic and non-domestic materials and shall explain any justification for the use of non-domestic materials such as but not limited to unavailability, inferiority, incompatibility, impracticality, increased cost of domestic materials, etc.

Buy America **Notice**

All Federally Funded Construction Projects

Reference:

The FHWA Buy America statutory provisions are in 23U.S.C.313 and the regulatory provisions are in 23CFR635.410.

Buy America

Q&A's: http://www.fhwa.dot.gov/construction/contracts/buyam_qa.cfm

Applicability:

Applicable to all Federal-aid projects.

Guidance:

Simply stated, the FHWA's Buy America policies require a DOMESTIC manufacturing process for ALL steel or iron products that are permanently incorporated in a Federal-aid highway construction project. Manufacturing begins with the initial melting and mixing, and continues through the coating stage. Any process which modifies the chemical makeup, physical shape or finish is considered a manufacturing process and as such must be performed in the United States. Waivers may be granted, in rare cases that meet specified criteria. Refer to the Q&A's above for more details.

Buy America requirements apply to the entire federal aid project even if some steel or iron products are purchased with non federal funds. All steel/iron must be manufactured in the United States.

Buy America provisions do allow use of a small portion of foreign steel and iron materials (less than one tenth of one percent of the total contract cost [0.1%] or \$2500, whichever is greater). Be vigilant and document. The consequences of exceeding this amount can be severe. Maintain a separate file for "Buy America" to facilitate oversight, certifications and compliance. It's that important.

Buy America requirements apply to all UTILITY RELOCATION WORK (regardless of funding) that is part of a FHWA funded contract and to all federally funded standalone utility work. Standalone, non-FHWA funded, contracts are NOT covered.

Compliance:

The RE needs to receive the Buy America certification at time of delivery--absolutely PRIOR TO incorporating the steel/iron product in the project. Typically, the certification states:

"All manufacturing processes for these steel and iron materials, including the application of coatings, have occurred in the United States."

The certification MUST BE current, dated, signed and be specific to the material and project at hand. Step certification is encouraged when manufacturing occurs at different locations. This involves separate, self-supporting, certifications that are prepared at each location and accompany the product to the job site—a documentation trail confirming ALL manufacturing in the US.

Contract Changes and Time ^{Q19}

Inherent in every project – processing is key

Reference:

Title 23 C.F.R. 635.120 - Changes and extra work
Title 23 C.F.R. 635.121 - Contract time and contract time extensions
2007 NJDOT Standard Specifications for Road and Bridge Construction

Guidance:

Contract changes and progress of work must be monitored and documented daily.

The State's standard specifications shall govern the approval of changes in a contract. Below are some provisions that apply:

- Do not deviate from the requirements of the contract unless and until a field order is issued.
- Reimbursement cannot be made until a change order is approved by the Department.
- Extensions in contract time will only be granted for excusable, compensable delays and only for work defined on the critical path of the project, as defined in an approved project schedule.

Issue a formal "Notice to Proceed" (NTP) and stipulate a Contract Completion Date.

Example NTP: *The NTP date for this project is Friday, June 15, 2012. The duration for this project per section 100.03 of the Supplemental Specifications is sixty (60) calendar days. The date for final completion is Tuesday, August 14, 2012.*

Basic Requirements:

"Time is of the essence as to all time frames stated in the Contract", Section 108.10 NJDOT Standard Specification

Any new or extra work needs to be defined and approved prior to being included in the contract. This approval is done through a change order which requires written justification, a breakdown of costs and quantities, and timely approvals.

Contract line item overruns are not permissible without formal requests and approvals.

Time shall always be evaluated as part of a change order.

Change orders for a time extension only must be fully substantiated in accordance with the contract requirements and specifications. Weather, right-of-way, utilities, and/or rail road work are not normally a legitimate basis for excusable, compensable delays.

Liquidated Damages: If changes in time are not fully justified and documented, liquidated damages may be assessed per the contract documents. Daily documentation of work activities is crucial.

The standard form DC-173A will be used to document the change order.

New or Supplemental Costs:

All new or supplemental costs **must be** negotiated, itemized and justified. All documentation of the negotiations, including the basis of cost, must be on file and included in the change order request.

DBE/ESBE/SBE Program

Project Responsibility from Day One

References:

- FHWA regulatory provisions: 49 CFR 26
- NJDOT's Construction Procedure Handbook for ESBE/DBE & SBE Program Implementation: Section V, Subsection B
- NJDOT DBE & ESBE Programs: <http://www.state.nj.us/transportation/business/civilrights/dbe.shtm>

Applicability:

All federal aid projects with a contract DBE/ESBE requirement.

Guidance:

The DBE Program is a legislatively mandated USDOT program. The mission of NJDOT's Disadvantaged and Small Business Programs is to promote contracting opportunities for small, socially and economically disadvantaged firms who seek to do business with the NJDOT.

DBE contract specifications are legally binding and **must be enforced in the same fashion as any other contract requirement**. Failure to carry out contract provisions may result in loss of Federal funds. The success of these programs is achieved by thoroughly implementing the monitoring and reporting procedures in place AS THE PROJECT PROGRESSES. REs will then be able address any issues early and take effective steps to ensure proper administration of the DBE/ ESBE/SBE Program and avoid any penalties.

Implementation:

Beginning at the commencement of the project, the RE must continuously monitor DBE/ESBE/SBE participation as the project progresses to ensure that that the assigned DBE /ESBE/SBE goal on the contract will be met by the time the project is completed. This is a project responsibility. Maintain a separate file.

1. Check Recommendation To Award memorandum and the Schedule of Participation ESBE/DBE/SBE Form CR-266 (former "Form A") to determine status of subcontractors to monitor for compliance.
2. During the course of the Contract, the RE will monitor true participation by comparing contractor DBE/ ESBE/SBE Goal commitments against each Request for Approval to Sublet Form DC-18. In addition, the RE will cross check the Daily Work Reports with each affected Form DC-18, the Recommendation To Award, and the Utilization of ESBE/DBE/SBE Monthly Report Form CR-267.
3. During construction the RE and staff will use the Daily Work Report to document on-site monitoring of stipulated DBE work items and contractor performing the work in order to insure compliance.
4. The RE will notify the Person in Responsible Charge and the Contractor in writing of any violations and will direct the Contractor to comply with these requirements. Revisions can only be made to the committed DBE/ ESBE/SBE Program when the Contractor submits a revised Form CR-266.
5. Failure of the Contractor to comply will result in the RE notifying the Person in Responsible charge, NJDOT District Office, and DCR/AA by memorandum and presenting pertinent documents for their review and action. The RE must follow-up with all promptly to insure timely resolution.
6. If the DBE/ ESBE/SBE commitment is not fulfilled, documentation supporting adequate good faith effort (GFE) must be promptly submitted by the Contractor with Form CR-268. GFE will be reviewed by DCR/AA based on the guidance set forth in 49 CFR Part 26 Appendix A. .

Pedestrian Facilities and ADA compliance – Curb Ramps

Must Conform To Standards and Contract Plans

References:

All pedestrian facilities constructed or reconstructed must provide safe and easy accessibility **for all users**.

The Americans with Disabilities Act (ADA) of 1990

Section 504 of the Rehabilitation Act of 1973

28 CFR Part 35.151(e)

NJDOT Construction Details 607 and 608

Guidance:

Inspectors need to have immediate on-site access to contract plans.

It is the inspector's responsibility to insure that all sidewalks and ramps are constructed in strict accordance with contract plans. Slope is of critical importance; as are location, alignment, length, width and depth. Check plans. Measure-measure-measure, compare with plans and **DOCUMENT** conformance and quantities.

Immediately elevate questions or 'issues' for discussion and resolution. Document!

It starts with the concrete forms - PRIOR TO the placement of concrete.

NJDOT Standard Specifications, Sections 606 and 607, require RE approval of excavation and forms prior to placing concrete. Nonconformance at this stage means nonconformance with final product.

All measurements, checks, approvals and findings, including pay quantities, must be clearly documented. They become "Source Documents" – a critical item necessary to support payment.

This simple and basic guidance will promote compliance and avoid completed work that does not conform to contract plans and specifications.

Be Vigilant:

The plans should be consistent with established design standards. If you note any design problems or inconsistencies, document and bring them to the attention of the RE/person in charge. Field inspection and documentation must occur for the following:

- The curb ramp type and crossing location are consistent with the plans.
- The curb ramp running slope **does not exceed 8.3%**.
- The curb ramp cross slope and connecting sidewalks **do not exceed 2.0%**.
- The turning areas (landings) are a minimum of 4 foot by 4 foot and cross slopes do not exceed 2% in both directions.
- All street connections, joints, and grade changes must be flush...no lip.
- There are no protrusions or obstacles within the pedestrian accessible route.
- The surface is firm, stable, & nonslip, including during temporary conditions.
- The pedestrian accessible route is free of utilities unless the design allows for exceptions.
- Detectable warning surface with truncated domes have been properly installed, are color contrasting, and aligned in the direction of pedestrian travel.
- No water ponding at the curb ramp or in the pedestrian pathway.
- Accessibility (walkway) has been provided to pedestrian push buttons, including a turning space at the button location.
- Diagonal ramps are discouraged. If provided for in the plans, they must provide a turning space at the back of curb to facilitate travel to the adjacent pedestrian pathway.

Responsible Charge

Every federal-aid project must have a person in responsible charge.

Reference:

23 CFR 635.105 – ‘*Supervising Agency*’: the State Transportation Department (STD) has responsibility for the construction of all Federal-aid projects, whether or not; it or a local public agency (LPA) performs the work. This section stresses that such projects must receive adequate supervision and inspection to insure that they are completed in conformance with approved plans and specifications.

The regulation provides that the STD and LPA must provide a full time employee to be in "responsible charge" of the project. This cannot be the consultant.

Purpose:

To insure that (think *public interest*) every project receives adequate supervision and inspection to insure that it is completed in conformance with contract plans and specs.

Implementation:

Implementation and accountability is mandated through the person in responsible charge. Who is this person?

STD-For projects administered by the STD, the regulation requires that the person in "responsible charge" be a full-time employed state engineer. This requirement applies even when consultants are providing construction engineering services.

LPA-For locally administered projects, the regulation requires that the person in "responsible charge" be a full time employee of the LPA. The regulation is silent about engineering credentials. Thus, the person in "responsible charge" of LPA administered projects need not be an engineer. This requirement applies even when consultants are providing construction engineering services.

Duties:

Regardless of whether the project is administered by the STD or a LPA, the person designated as being in "responsible charge" is expected to be a full time public employee (not a consultant) who is accountable for the project. This person, may share duties, but is expected to be able to perform the following duties and functions:

- Administers inherently governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintains familiarity of day to day project operations, including project safety issues;
- Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements
- Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse; and
- Directs project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation.
- Is aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.
- Visits and reviews the project on a frequency that is commensurate with the magnitude and complexity of the project
- On the jobsite for the time needed to verify and insure that the project receives adequate supervision and inspection to insure that work is accomplished in conformance with approved plans and specifications.

Source Documents

An Absolute Must Have

Reference:

23 CFR 635.123: Determination and documentation of PAY QUANTITIES.

Applicability:

Applicable to all Federal-aid projects—basis for payment.

Guidance:

What is a “Source Document”? Look at it in reverse: it’s a document prepared at the source--the ‘source’ being the point of delivery or the location of construction activity.

This is essentially the handwritten “receipt” of exactly how many and what was delivered. It is the **single most important document that substantiates quality and quantities and provides the required basis for payment to the contractor.**

The document consists of notes (documentation) of: counts; measurements (length, width, depth, and slope); calculations of area, volume, weights, etc; sketches; a STATEMENT of compliance with contract plans and specs; field changes; comments; and delivery tickets collected/initialed by the inspector at the point of unloading.

Who develops this documentation? The inspector, who is assigned to that project/location to protect the public interest and to insure that the number, size, and characteristics of what is being delivered match the plans/specs, completes this basic and essential documentation. Incorporate ‘established’ quantities into a Quantity Summary Sheet for each work item.

Importance:

Highest level! This source documentation establishes quantities for payment. Without it, the eligibility of pay quantities may come under question. Later, after the fact, verification is very time consuming and often not possible.

Examples:

Item # ____; Sidewalk-Forms: *Checked and measured forms for the sidewalk and ADA ramp at the NE corner of Grand and Market. Specific measurements including depth and slope are shown below (or are shown on the sketches below) along with quantity calculations. Also, noted on plan sheet # 21. Forms were clean, stable and uniform. Base was solid. Expansion joints were in place. All measurements, including depth and slopes, are in conformance with contract plans-a section was added to reach push button. The contractor was given approval to place concrete. (Sect. 606.03.02 DOT Spec)*

*Observed the **placement of concrete** at the NE corner of Grand and Market. Prior approval of forms had been granted. Placement and finishing procedures in accordance with specs. No access water. Curing compound placed 15 minutes after finishing. **Total quantity 24 SY** based on measurements taken. See plan sheet 21 of the contract plans. See calculations.*

Item # ____: **HMA Surface Coarse:** *Inspected HMA placement from Station 3+50 to 9+50. Took numerous measurements of D, W, and Temp as follows. Compaction/finish observed. Equipment and pattern as per spec (describe). Tickets collected at point of unloading. Initialed each w/station. Total tonnage _____. # of tickets _____. Refused one truck (# 254) due to time in transit was substantially over that allowed by spec.*

Item # ____: **Tack Coat;** *Observed test strip and noted several nozzles not functioning. Required repair of distributor to achieve uniform application. Repaired. Checked quantities before and after to affirm actual usage and pay quantity. See notes below.*

IMPORTANT NOTICE

NEW "PAY-TO-PLAY" RESTRICTIONS TO TAKE EFFECT NOVEMBER 15, 2008

Individual Certification of Compliance with Executive Order No. 117 (2008)

I hereby certify as follows:

On or after November 15, 2008, I have not solicited or made any reportable contribution of money or pledge of contribution, including in-kind contributions or company or organization contributions, to the following:

- a) Any candidate committee and/or election fund of the Governor;
- b) A State political party committee;
- c) A legislative leadership committee;
- d) A county political party committee; or
- e) A municipal political party committee

I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Signed: _____

Print Name: _____ Date: _____

State of New Jersey
Executive Order #117

Governor Jon S. Corzine

WHEREAS, the residents of New Jersey are entitled to a government that is effective, efficient, and free from corruption, favoritism, and waste; and

WHEREAS, in pursuit of those goals, a series of actions have been taken in New Jersey since 2004 – through legislation, executive order, and regulation – to protect the integrity of government contractual decisions and increase the public’s confidence in government by prohibiting the awarding of government contracts to business entities that also are contributors to certain candidates and political parties; and

WHEREAS, among those actions were the issuance of Executive Order No. 134 (2004) and the codification of its provisions into statute in P.L.2005, c.51 (C.19:44A-20.13 et seq.) (“Chapter 51”); and

WHEREAS, since its adoption, Chapter 51 has significantly reduced the influence of contractor contributions in the process of awarding State government contracts and has proven to be an effective method of ensuring that merit and cost-effectiveness drive the government contracting process; and

WHEREAS, this administration is committed to ensuring the highest ethical standards in government contracting and rooting out corruption, favoritism, and waste; and

WHEREAS, experience has shown that additional measures are needed to ensure there is no dilution of the protections provided by Chapter 51 against the improper influence of political contributions on the process of awarding State government contracts and to ensure compliance with the provisions of Chapter 51; and

WHEREAS, many State government contractors, particularly those that provide professional services, are business entities whose form of business organization and ownership structure are such that the political contribution limits in Chapter 51 apply to few if any of the individuals who own or control the entity; and

WHEREAS, the strong public interest in limiting political contributions by businesses that contract with the State requires that the contribution limits in Chapter 51 be applied to such individuals and that those limits otherwise be applied in such a way that the purposes of Chapter 51 will be served regardless of the form of business organization of the State government contractor; and

WHEREAS, because New Jersey’s campaign finance laws permit large, and in some cases unlimited, political contributions to flow between and among various types of political committees and State officeholders, the effectiveness of the restrictions in Chapter 51 can be, and

have been, undermined by the current ability of State government contractors to make large contributions to legislative leadership committees and municipal political party committees; and

WHEREAS, the Constitution of this State requires the Governor to manage the operations of State government effectively and fairly, uphold the law to ensure public order and prosperity, and confront and uproot malfeasance in whatever form it may take; and

WHEREAS, it is the Governor's responsibility to safeguard the integrity of the State government procurement process by ensuring that there is no dilution of the protections provided by Chapter 51 against the improper influence of political contributions on the process of awarding and overseeing the performance of State government contracts and that there be full compliance with the provisions of Chapter 51;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. For the purposes of this Order:

a. "Business entity" means:

i. a for-profit entity as follows:

- A. in the case of a corporation: the corporation, any officer of the corporation, and any person or business entity that owns or controls 10% or more of the stock of the corporation;
- B. in the case of a general partnership: the partnership and any partner;
- C. in the case of a limited partnership: the limited partnership and any partner;
- D. in the case of a professional corporation: the professional corporation and any shareholder or officer;
- E. in the case of a limited liability company: the limited liability company and any member;
- F. in the case of a limited liability partnership: the limited liability partnership and any partner;
- G. in the case of a sole proprietorship: the proprietor; and
- H. in the case of any other form of entity organized under the laws of this State or any other state or foreign jurisdiction: the entity and any principal, officer, or partner thereof;

ii. any subsidiary directly or indirectly controlled by the business entity;

- iii. any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and
 - iv. with respect to an individual who is included within the definition of business entity, that individual's spouse or civil union partner, and any child residing with the individual, provided, however, that, this Order shall not apply to a contribution made by such spouse, civil union partner, or child to a candidate for whom the contributor is entitled to vote or to a political party committee within whose jurisdiction the contributor resides unless such contribution is in violation of section 9 of P.L.2005, c.51 (C.19:44A-20.13 et seq.) ("Chapter 51").
- b. "Contribution" means a contribution reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.) made on or after the effective date of this Order.
2. Any Executive Branch department, agency, authority, or independent State authority charged with implementing and enforcing Chapter 51 shall apply its provisions to a "business entity" as defined in Paragraph 1(a) of this Order in the same manner as those provisions apply to a "business entity" as defined in section 5 of Chapter 51.
 3. Any Executive Branch department, agency, authority, or independent State authority charged with implementing and enforcing Chapter 51 shall apply its provisions to a contribution made to a legislative leadership committee or a municipal political party committee in the same manner as those provisions apply to a contribution to any candidate committee, election fund, or political party committee identified in Chapter 51.
 4. Any Executive Branch department, agency, authority, or independent State authority charged with implementing and enforcing Chapter 51 shall apply its provisions to a contribution made to a candidate committee or election fund of any candidate for or holder of the office of Lieutenant Governor in the same manner as those provisions apply pursuant to Chapter 51 to a contribution to any candidate committee or election fund of any candidate for or holder of the office of Governor.
 5. This Order shall take effect on November 15, 2008 and is intended to have prospective effect only. This Order shall not apply to any contribution made prior to November 15, 2008.

GIVEN, under my hand and seal this 24th day of September, Two Thousand and Eight, and of the Independence of the United States, the Two Hundred and Thirty-Third.

/s/ Jon S. Corzine

Governor

[seal]

Attest:

/s/ Edward J. McBride, Jr.

Chief Counsel to the Governor

SOUTH JERSEY PORT CORPORATION - DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN FORM

BID SOLICITATION # AND TITLE: _____

VENDOR NAME: _____

Pursuant to N.J.S.A. 52:32-57, et seq. (P.L. 2012, c.25 and P.L. 2021, c.4) any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must certify that neither the person nor entity, nor any of its parents, subsidiaries, or affiliates, is identified on the New Jersey Department of the Treasury’s Chapter 25 List as a person or entity engaged in investment activities in Iran. The Chapter 25 list is found on the Division’s website at <https://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Vendors/Bidders must review this list prior to completing the below certification. If the SJPC finds a person or entity to be in violation of the law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

CHECK THE APPROPRIATE BOX

I certify, pursuant to N.J.S.A. 52:32-57, et seq. (P.L. 2012, c.25 and P.L. 2021, c.4), that neither the Vendor/Bidder listed above nor any of its parents, subsidiaries, or affiliates is listed on the New Jersey Department of the Treasury’s Chapter 25 List of entities determined to be engaged in prohibited activities in Iran.

OR

I am unable to certify as above because the Vendor/Bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the New Jersey Department of the Treasury’s Chapter 25 List. I will provide a detailed, accurate and precise description of the activities of the Vendor/Bidder, or one of its parents, subsidiaries or affiliates, has engaged in regarding investment activities in Iran by completing the information requested below.

Entity Engage in Investment Activities _____

Relationship to Vendor/Bidder _____

Description of Activities

Duration of Engagement _____

Anticipate Cessation Date _____

Attach additional sheets if necessary _____

CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the South Jersey Port Corporation is relying on the information contained herein, and that the Vendor is under a continuing obligation from the date of this certification through the completion of any contract(s) with the SJPC to notify the SJPC in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I may be subject to criminal prosecution under the law, and it will constitute a material breach of my contract(s) with the SJPC, permitting the SJPC to declare any contract(s) resulting from this certification void and unenforceable.

Signature: _____

Date: _____

Print Name: _____

Print Title: _____

Rev. 12.13.2021

PLEASE BE ADVISED

New Jersey Election Law Enforcement Commission Requirements for ALL Bids and Requests for Proposals

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. 19:44A20.27 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.

DISCLOSURE OF CONTRIBUTIONS TO NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION IN ACCORDANCE WITH N.J.S.A. 19:44A-20.27

STATE OF _____

: SS

COUNTY OF _____

I, _____ of the _____ of _____ in the County of _____ and the State of _____ of full age, being duly sworn according to law on my oath depose and say that:

I am _____, a _____
(Name) (Title, Position, etc.)
in the firm of _____ the bidder making the proposal
to _____
(Name of Owner) (Contract No. – Description)

and that I executed the said Proposal with full Authority to do so; that said Bidder acknowledges our 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 in receipt of contracts in excess of \$50,000.00 from public entities in a calendar year. I further acknowledge that business entities are solely responsible for determining if filing is necessary and that all statements contained in said Proposal and in this Affidavit are true and correct, and made with full knowledge that the

(Name of Owner)

relies upon the truth of the statements contained in said Proposal and in the statements contained in this Affidavit in awarding the Contract for the said project.

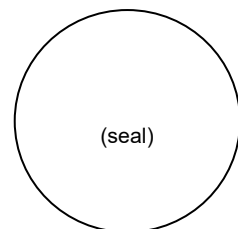
I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for commission, percentage brokerage, or contingent fee, except Bona Fide employees of the Contractor, and as may be permitted by law.

Name: _____
(print)

Subscribed and Sworn to before me this _____ day of _____ 20__.

Notary Public of _____

My Commission Expires: _____



New Contracting Requirement-Russia/Belarus Certification

On March 9, 2022, Governor Murphy signed P.L.2022, c.3, which prohibits certain government dealings with businesses engaged in prohibited activities in Russia or Belarus. As an agency of the State of New Jersey, South Jersey Port Corporation will now be required to have a business, or person with whom it is contracting, sign a certification that they are not engaged in prohibited activities in Russia or Belarus. That form is included in this bid document and the awarded contractor must complete it.



**CERTIFICATION OF NON-INVOLVEMENT IN PROHIBITED ACTIVITIES
IN RUSSIA OR BELARUS PURSUANT TO P.L.2022, c.3**

CONTRACT / BID SOLICITATION TITLE _____

CONTRACT / BID SOLICITATION No. _____

CHECK THE APPROPRIATE BOX

I, the undersigned, am authorized by the person or entity seeking to enter into or renew the contract identified above, to certify that the Vendor/Bidder is not engaged in prohibited activities in Russia or Belarus as such term is defined in [P.L.2022, c.3](#),¹ section 1.e, except as permitted by federal law.

I understand that if this statement is willfully false, I may be subject to penalty, as set forth in P.L.2022, c.3, section 1.d.

OR

I, the undersigned am unable to certify above because the person or entity seeking to enter into or renew the contract identified above, or one of its parents, subsidiaries, or affiliates may have engaged in prohibited activities in Russia or Belarus. A detailed, accurate and precise description of the activities is provided below.

Failure to provide such description will result in the Quote being rendered as non-responsive, and the Department/Division will not be permitted to contract with such person or entity, and if a Quote is accepted or contract is entered into without delivery of the certification, appropriate penalties, fines and/or sanctions will be assessed as provided by law.

Description of Prohibited Activity

Attach Additional Sheets If Necessary.

If you certify that the bidder is engaged in activities prohibited by P.L. 2022, c. 3, the bidder shall have 90 days to cease engaging in any prohibited activities and on or before the 90th day after this certification, shall provide an updated certification. If the bidder does not provide the updated certification or at that time cannot certify on behalf of the entity that it is not engaged in prohibited activities, the State shall not award the business entity any contracts, renew any contracts, and shall be required to terminate any contract(s) the business entity holds with the State that were issued on or after the effective date of P.L. 2022, c. 3.

Signature of Authorized Representative

Date

Print Name and Title of Authorized Representative

Vendor Name

¹ Engaged in prohibited activities in Russia or Belarus” means (1) companies in which the Government of Russia or Belarus has any direct equity share; (2) having any business operations commencing after the effective date of this act that involve contracts with or the provision of goods or services to the Government of Russia or Belarus; (3) being headquartered in Russia or having its principal place of business in Russia or Belarus, or (4) supporting, assisting or facilitating the Government of Russia or Belarus in their campaigns to invade the sovereign country of Ukraine, either through in-kind support or for profit.

NEW JERSEY’S DIANE B. ALLEN EQUAL PAY ACT ACKNOWLEDGEMENT

Pursuant to the DIANE B. ALLEN EQUAL PAY ACT, N.J.S.A. 34:11-56.14.b., the Contractor shall provide to the Commissioner of the New Jersey Department of Labor and Workforce Development, through certified payroll records required pursuant to N.J.S.A. 34:11-56.25 et seq., information regarding the gender, race, job title, occupational category, and rate of total compensation of every employee of the employer employed in the State in connection with the contract. The Contractor shall provide the Commissioner, throughout the duration of the contract with an update to the information whenever payroll records are required to be submitted pursuant to N.J.S.A. 34:11-56.25 et seq.

Information regarding the Diane B. Allen Equal Pay Act and its requirements may be obtained from the New Jersey Department of Labor and Workforce Development (LWD) web site at: <https://nj.gov/labor/equalpay/equalpay.html>

LWD forms may be obtained from the online web site at: https://nj.gov/labor/forms_pdfs/equalpayact/MW-562withoutfein.pdf

The undersigned is an (individual) (partnership) (corporation) under the Laws of the State of _____ having principal offices at _____.

(Signed)

(Name - Type or Print)

(Company Name)

(Address)

(Telephone Number)

CHAPTER 60
PREVAILING WAGES FOR PUBLIC WORKS

SUBCHAPTER 9. ASSURANCES FOR PAYMENT OF PREVAILING WAGE

12:60-9.1 Certification by bidder with lowest bid by 10 percent or more

(a) When a public body engages in competitive bidding for public work subject to the provisions of the New Jersey Prevailing Wage Act (PWA), the person who makes the lowest bid for the contract by 10 percent or more under the amount of the next lowest bid shall prior to award of the contract certify to the public body on the form found at N.J.A.C. 12:60 Appendix that the prevailing wage rates required by the PWA shall be paid in performing the work under the contract.

(b) If the bidder does not provide the certification required pursuant to (a) above prior to the award of the contract, the public body shall award the contract to the next lowest responsible and responsive bidder.

12:60-9.2 Required contract provisions concerning payment of prevailing wage

(a) Every contract for the performance of public work shall contain the following contract provisions:

1. "Attached hereto and incorporated herein is(are) the Department of Labor and Workforce Development prevailing wage determination(s) for the locality and craft(s) that will be employed in the performance of work under this contract. It is hereby stipulated that each individual who performs work under this contract shall be paid not less than the prevailing wage rate to which that worker is entitled under the New Jersey Prevailing Wage Act, as reflected in the appropriate Department of Labor and Workforce Development prevailing wage determination"; and

2. "In the event it is found that any worker employed by the contractor or any subcontractor covered by this contract has been paid a rate of wages less than the prevailing wage rate required to be paid by this contract, the public body, the lessee to whom the public body is leasing a property or premises or the lessor from whom the public body is leasing or will be leasing a property or premises may terminate the contractor's or subcontractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages, and to prosecute the work to completion or otherwise. The contractor and his sureties shall be liable to the public body, any lessee to whom the public body is leasing a property or premises, or to any lessor from whom the public body is leasing or will be leasing a property or premises for any excess costs occasioned by the termination of the contractor's or subcontractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages."

APPENDIX
54 N.J.R. 1009(a)

In the matter of an award) STATE OF NEW JERSEY
of a)
contract for public work for) DEPARTMENT OF LABOR AND
a)
project described as:) WORKFORCE DEVELOPMENT
) DIVISION OF WAGE &
)
[Enter project description) HOUR COMPLIANCE
here])
)
)
) Certification of Lowest Bidder

LOWEST BIDDER PREVAILING WAGE CERTIFICATION

_____, of full age and under oath, duly provides the following sworn statement:

(1). I am the owner and/or highest-ranking official or officer of a company or firm named _____, which holds a currently valid public works contractor registration pursuant to the New Jersey Public Works Contractor Registration Act, N.J.S.A. 34:11-56.48 et seq., certificate number _____.

(2). I submitted a bid for a contract award in the above identified project and the public body has informed me that I am the lowest bidder by 10 percent or more as compared to the next lowest bid submitted.

(3). The amount of my bid does include paying the prevailing wage rate to all workers who perform work on the project at rates of pay, including both base wage and fringe benefits, set forth in applicable Wage Determinations, (1) for the appropriate locality, (2) for the appropriate work classification (e.g., carpenter, electrician, mason, plumber), and (3) for the appropriate job title (e.g., Apprentice, Journeyman, Forman), published by the New Jersey Department of Labor and Workforce Development (NJDOL) pursuant to the New Jersey Prevailing Wage Act (NJPWA), N.J.S.A. 34:11-56.25 et seq., and corresponding NJDOL rules, N.J.A.C. 12:60.

I certify under penalty of perjury that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment. See N.J.S.A. 2C:28-1 et seq., specifically, N.J.S.A. 2C:28-3, within the New Jersey Code of Criminal Justice.

Dated: _____ Signature: _____

Title: _____



CONFIDENTIALITY AND COMMITMENT TO DEFEND

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY - DIVISION OF PURCHASE AND PROPERTY
33 WEST STATE STREET, P.O. BOX 230 TRENTON, NEW JERSEY 08625-0230

BID SOLICITATION # & TITLE: _____

The Bid Solicitation advises Bidders (hereinafter "Company") that the submitted "Quotes can be released to the public pursuant to N.J.A.C. 17:12-1.2(b) and (c), or under the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1.1 et seq., or the common law right to know." In the event that the Division receives a request for documents related to above referenced Bid Solicitation, in accordance with its statutory obligations under the New Jersey Open Public Records Act and/or the common law right to know, it is the Division's intent to fulfill the request for records which may include a copy of the Company's Quote.

If Company objects to the disclosure of any portions of the Quote, the Company must advise the Division and must attach a detailed statement clearly identifying those sections of the Quote that Company claims are exempt from disclosure. In requesting any exemption, Company must identify the specific statutory or other legal justification for each requested exemption and the factual basis that supports said exemption. In addition, if Company requests any exemption to disclosure of the Quote based upon claims of confidential/proprietary information and trade secrets (setting forth the nature of the formula, process, pattern, device or compilation), in accordance with *Ingersoll-Rand Co. v. Ciavatta*, 110 N.J. 609 (1988), Company must also indicate the following with respect to the requested exemption:

- (1) the extent to which the information is known outside the owner's business;
- (2) the extent to which it is known by employees and others involved with your business;
- (3) the extent of the measures taken by your firm to guard the secrecy of the information;
- (4) the value of the information to your firm and your competitors;
- (5) the amount of effort or money expended by your firm in developing the information; and
- (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

Further, if the Quote includes any copyright notices, within five business days, the Division will be permitted to release a copy of the Quote document(s) unless Company serves the Division with an order from a court of competent jurisdiction precluding such release.

The State reserves the right to make the final determination as to what is and is not subject to public disclosure under OPRA and/or the common law right to know, and will advise the Company accordingly. Please note that the State will not honor any claim of confidential, proprietary, trade secret, and/or copyright material that is not supported by a specific statutory or legal justification provided by the Company. The State will not honor any attempts by the Company to designate the entire Quote as proprietary, confidential and/or to claim copyright protection for its entire Quote.

Accordingly, in order to assist the Division with the fulfillment of potential document requests, please select **one** of the following:

The Company's Quote **does not include** any confidential, proprietary and/or trade secrets; and therefore, the Company does not request any redactions be made prior to the release of the documents.

OR

The Company's Quote **does include** confidential, proprietary and/or trade secrets; and therefore, the Company requests that certain portions of the Quote be redacted prior to the release of the documents.

The requested redactions are set forth in the attached statement which specifically identifies the portions of the Quote by section, page number, paragraph and or line; and identifies the specific statutory or other legal reason for each requested exemption.

In the event of any challenge to the Company's assertion of confidential/proprietary information, the Company shall be solely responsible for defending its designation. Company agrees that it shall defend and cooperate in the defense of an action against the State of New Jersey arising from or related to the non-disclosure, due to the Company's request, of documents submitted to the State of New Jersey, and relating to a Quote submitted by the Company in response to the above referenced Bid Solicitation, which was the subject of a request for government records under the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA"), or the common law right to know. The Company further agrees to indemnify and hold harmless the State against any judgments, costs, or attorneys' fees assessed against the State in connection with any action arising from, or related to, the non-disclosure, due to the Company's request, of documents submitted to the State, which are the subject of a request for government records under OPRA.

The Company makes the forgoing agreement with the understanding that the State may immediately disclose any documents withheld without further notice if the Company ceases to cooperate in the defense of an action against the State arising from or related to the above described non-disclosure due to the Company's request, and will disclose such documents withheld if so ordered by a court of competent jurisdiction.

The undersigned certifies that s/he is duly authorized to make this commitment on behalf of the Company.

Company Name

Signature

Date

Print Name and Title



DISCLOSURE OF INVESTIGATIONS AND OTHER ACTIONS INVOLVING THE VENDOR FORM

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY - DIVISION OF PURCHASE AND PROPERTY
33 WEST STATE STREET, P.O. BOX 230 TRENTON, NEW JERSEY 08625-0230

BID SOLICITATION # AND TITLE: _____

VENDOR NAME: _____

PART 1
PLEASE LIST ALL OFFICERS/DIRECTORS OF THE VENDOR BELOW.

NAME
TITLE
ADDRESS
ADDRESS
CITY STATE ZIP

NAME
TITLE
ADDRESS
ADDRESS
CITY STATE ZIP

NAME
TITLE
ADDRESS
ADDRESS
CITY STATE ZIP

NAME
TITLE
ADDRESS
ADDRESS
CITY STATE ZIP

*Attach Additional Sheets If Necessary.

PART 2
PLEASE REFER TO THE PERSONS LISTED ABOVE AND/OR THE PERSONS AND/OR ENTITIES LISTED ON THE OWNERSHIP DISCLOSURE FORM WHEN ANSWERING THESE QUESTIONS.

- 1. Has any person or entity listed on this form or its attachments ever been arrested, charged, indicted, or convicted in a criminal or disorderly persons matter by the State of New Jersey (or political subdivision thereof), or by any other state or the U.S. Government?
2. Has any person or entity listed on this form or its attachments ever been suspended, debarred or otherwise declared ineligible by any government agency from bidding or contracting to provide services, labor, materials or supplies?
3. Are there currently any pending criminal matters or debarment proceedings in which the firm and/or its officers and/or managers are involved?
4. Has any person or entity listed on this form or its attachments been denied any license, permit or similar authorization required to engage in the work applied for herein, or has any such license, permit or similar authorization been revoked by any agency of federal, state or local government?
5. Has any person or entity listed on this form or its attachments been involved as an adverse party to a public sector client in any civil litigation or administrative proceeding in the past five (5) years?

IF ANY OF THE ANSWERS TO QUESTIONS 1-5 ARE "YES", PLEASE PROVIDE THE REQUESTED INFORMATION IN PART 3.
IF ALL OF THE ANSWERS TO QUESTIONS 1-5 ARE "NO", NO FURTHER ACTION IS NEEDED; PLEASE SIGN AND DATE THE FORM.

PART 3
DESCRIPTION OF THE INVESTIGATION OR LITIGATION, ETC.

If you answered "YES" to any of questions 1 - 5 above, you must provide a detailed description of any investigation or litigation, including, but not limited to, administrative complaints or other administrative proceedings involving public sector clients during the past five (5) years. The description must include the nature and status of the investigation, and for any litigation, the caption and a brief description of the action, the date of inception, current status, and if applicable, the disposition.

PERSON OR ENTITY NAME
CONTACT NAME PHONE NUMBER
CASE CAPTION
INCEPTION OF THE INVESTIGATION CURRENT STATUS
SUMMARY OF INVESTIGATION

*Attach Additional Sheets If Necessary.

CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein, and that the Vendor is under a continuing obligation from the date of this certification through the completion of any contract(s) with the State to notify the State in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I may be subject to criminal prosecution under the law, and it will constitute a material breach of my contract(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

Signature

Date

Print Name and Title



MACBRIDE PRINCIPLES FORM

Q29

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY - DIVISION OF PURCHASE AND PROPERTY
33 WEST STATE STREET, P.O. BOX 230 TRENTON, NEW JERSEY 08625-0230

BID SOLICITATION # AND TITLE: _____

VENDOR NAME: _____

Pursuant to Public Law 1995, c. 134, a responsible Vendor/Bidder is required to provide a certification in compliance with the MacBride Principles and Northern Ireland Act of 1989. Pursuant to N.J.S.A. 52:34-12.2, Vendor/Bidder must complete the certification below by checking one of the two options listed below and signing where indicated. If a Vendor/Bidder that would otherwise be awarded a purchase, contract or agreement does not complete the certification, then the Director may determine, in accordance with applicable law and rules, that it is in the best interest of the State to award the purchase, contract or agreement to another Vendor/Bidder that has completed the certification and has submitted a bid within five (5) percent of the most advantageous bid. If the Director finds contractors to be in violation of the principles that are the subject of this law, he/she shall take such action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

I, the undersigned, on behalf the Vendor/Bidder, certify pursuant to N.J.S.A. 52:34-12.2 that:

CHECK THE APPROPRIATE BOX

The Vendor/Bidder has no business operations in Northern Ireland; or

OR

The Vendor/Bidder will take lawful steps in good faith to conduct any business operations it has in Northern Ireland in accordance with the MacBride principles of nondiscrimination in employment as set forth in section 2 of P.L. 1987, c. 177 (N.J.S.A. 52:18A-89.5) and in conformance with the United Kingdom's Fair Employment (Northern Ireland) Act of 1989, and permit independent monitoring of its compliance with those principles.

CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein, and that the Vendor is under a continuing obligation from the date of this certification through the completion of any contract(s) with the State to notify the State in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I may be subject to criminal prosecution under the law, and it will constitute a material breach of my contract(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

Signature

Date

Print Name and Title