



REQUEST FOR BIDS

**SJPC 22-113
REACH STACKER**

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

Due Date: Tuesday, December 12, 2023 at 11:00am

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ADVERTISEMENT FOR BIDS

SOUTH JERSEY PORT CORPORATION REQUEST FOR SEALED BIDS FOR SJPC 22-113 REACH STACKER

Notice is hereby given that sealed proposals for **SJPC 22-113 REACH STACKER**, 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, December 12, 2023 at 11:00am** at which time the sealed bids will be opened and recorded.

Each submission to be considered shall comply with 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 ("OPRA") 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 OPRA, the Bidder should specifically identify the pages of the bid 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 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 in the form provided and approved by 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 Marine 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, December 12, 2023 at 11:00am**

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

Bid proposals 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 bid proposals 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 proposal must be submitted in a sealed envelope bearing on the outside the name and address of the Bidder and the following statement:

"THIS IS A SEALED BID AND SHALL NOT BE OPENED AND READ UNTIL TUESDAY, DECEMBER 12, 2023 AT 11:00AM BY PATRICK BOYLE OR HIS DESIGNEE: SJPC 22-113 REACH STACKER."

Bid proposals 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 bid proposals 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 bid proposals must be received by Tuesday, December 12, 2023 at 11:00am. No bid proposals 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. Bid proposals 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 November 29, 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 successful Bidder 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 BID 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 bid 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 bid proposals to purchase one (1) reach stacker per the technical criteria below. Proposed equipment must minimally meet the expressed specifications:

- Tier 4 diesel engine
- Made in USA (as defined by the Federal Government).

- Boom length to accommodate 5 high stacked containers out to 3 deep.
- Loading capacity range to be 99,000 lbs or greater in the first row and 90,000 lbs or greater in the second row.
- Operators seat outfitted with 3- point seat belt harness.
- Operators cab with heat and air conditioning.
- Operator cab positioning function when equipment is powered down.
- Forward and reverse actuated warning alarms
- Camera assisted views
- Strobe light kit on front (cab) and back (counterweight)
- Container handler tires with rim guards and thicker lugs.
- Front and rear LED working lights
- Side and front pedestrian walking lights (front amber & sides red)
- Blue rear pedestrian light
- Quick attachment coupler on the boom
- Auto greaser
- Auto throttle up
- Exterior cab switch to rotate the cab for maintenance.
- 1-year warranty, with option to renew for a second year.
- 2 copies of the operator's manual and spare parts list for each reach stacker purchased.
- Training sessions at the Balzano Marine Terminal.
- Delivery in 8 months or less from issuance of purchase agreement.

Attachments:

- Container spreader included with each reach stacker.
- C - Hook (Optional separate cost)

Delivery of the reach stacker will be to:

South Jersey Port Corporation
 Balzano Marine Terminal
 101 Joseph A. Balzano Blvd.
 Camden, NJ 08103

Bidder shall at the time of delivery, also deliver to SJPC a Bill of Sale, or other title/ownership documents that are in a form acceptable to, and approved by, the SJPC

3.0 REQUIRED COMPONENTS OF THE BID PROPOSAL

OVERVIEW

Interested and qualified parties should submit a bid proposal to SJPC's RFB – **SJPC 22-113 REACH STACKER**. 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 to 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. Affirmative Action Evidence for Procurement/Service (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. Intentionally omitted (Exhibit Q13).
13. Intentionally omitted (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. Intentionally Omitted. (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. Intentionally omitted (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 22-113 REACH STACKER

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 Bid 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 on the form. The Bid Proposal 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 Bidder agrees that this Bid Proposal will be valid and binding for a period of ninety (90) days to allow the South Jersey Port Corporation (“SJPC”) time to evaluate the complete Bid Proposal to allow for the decision. The SJPC Engineer will officially notify the Bidder of the acceptance of their Bid Proposal 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.

Bidder to provide a lump sum proposal in US dollars to supply all necessary/requested goods, equipment, design services, materials, labor, tools, consumables, transportation, watercraft, 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.

(CONTINUED ON NEXT PAGE)

SJPC 22-113 REACH STACKER

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.

SPACE LEFT INTENTIONALLY BLANK

SJPC 22-113 REACH STACKER

ITEM	DESCRIPTION	Quantities	Unit	Price
1	Provide one (1) Tier 4 powered reach stacker	1	LS	
2	Delivery Transport & Unloading Charges	1	LS	
3	Operator Manuals & Spare Parts List	3	LS	
4	Operator & Maintenance Training	1	LS	
5	Extended One Year Warranty for all parts and labor	1	LS	
6	Option – Provide C-Hook attachment	1	LS	

Item 1 - Payment amount for the manufacture of one reach stacker requested at the time the purchase order is executed between both parties.

Item 2 - Item includes cost for delivery, unloading, and assembly of one reach stacker at the Balzano Terminal. Payment will be made upon full assembly of the reach stacker unit.

Item 3 - Item includes three (3) 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 one training session.

Item 5 - Item 5 includes the cost for an extended warranty period of one additional year for parts and labor to maintain the one reach stacker in sound operation.

Item 6 – Item 6 (option) is for the purchase of one (1) C-Hook attachment for the reach stacker purchased.

Basic Scope Lump Sum is comprised of Items 1 through 5 inclusive. Item 6 is an optional purchase that may or may not be exercised by the SJPC.

Basic Scope LUMP SUM Bid - \$ _____

In words: _____

SJPC 22-113 REACH STACKER

Bidder: _____

Primary Contact Name/Principal authorized to sign: _____

Title: _____

Signature: _____

Date: _____

Business Address: _____

Phone No.: _____

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	<input type="checkbox"/>
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	Intentionally Omitted	N/A
Q14	Intentionally Omitted	N/A
Q15	Intentionally Omitted	N/A
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	Intentionally Omitted	N/A
Q21	Disclosure/Certification of Investment Activities in Iran	<input type="checkbox"/>
Q22	NJ Election Law Enforcement Commission (Elec) Affidavit	<input type="checkbox"/>
Q24	Intentionally Omitted	N/A
Q25	Intentionally Omitted	N/A
Q26	Intentionally Omitted	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.

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

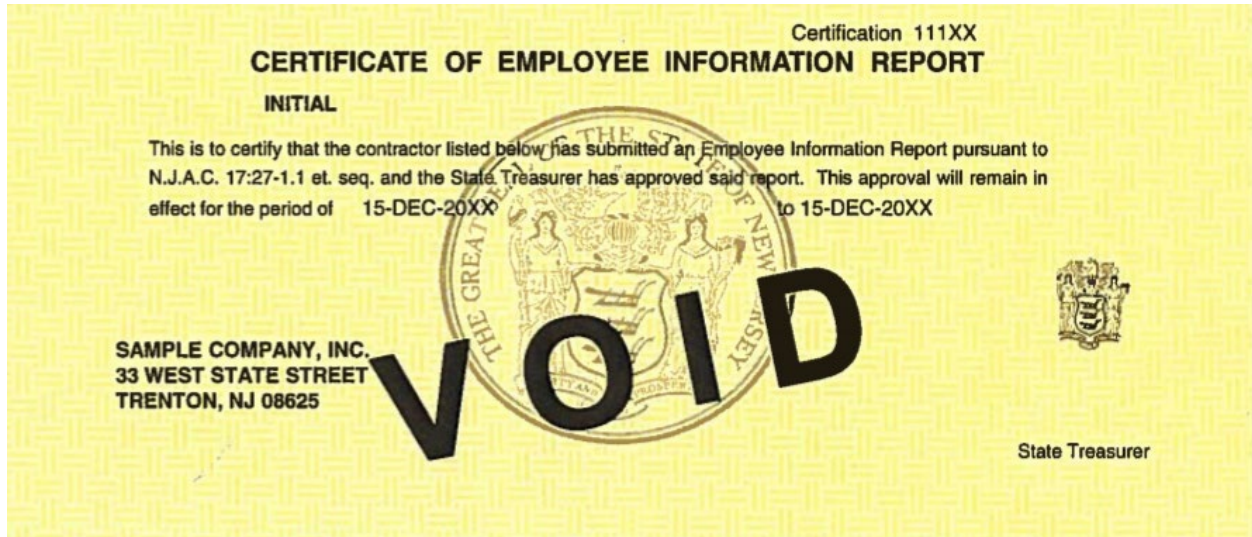
Subscribed and Sworn before me this _____ day of _____, 20____.

Notary Public

(Seal)

Affirmative Action Evidence for Procurement/Service

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

Division of Purchase & Property
Contract Compliance Audit Unit
EEO Monitoring Program

EMPLOYEE INFORMATION REPORT

IMPORTANT-READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING FORM. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND TO SUBMIT THE REQUIRED \$150.00 FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE. DO NOT SUBMIT EEO-1 REPORT FOR SECTION B, ITEM 11. For Instructions on completing the form, go to: http://www.state.nj.us/treasury/contract_compliance/pdf/aa302ins.pdf

SECTION A - COMPANY IDENTIFICATION

1. FID. NO. OR SOCIAL SECURITY	2. TYPE OF BUSINESS <input type="checkbox"/> 1. MFG <input type="checkbox"/> 2. SERVICE <input type="checkbox"/> 3. WHOLESALE <input type="checkbox"/> 4. RETAIL <input type="checkbox"/> 5. OTHER	3. TOTAL NO. EMPLOYEES IN THE ENTIRE COMPANY			
4. COMPANY NAME					
5. STREET	CITY	COUNTY	STATE	ZIP CODE	
6. NAME OF PARENT OR AFFILIATED COMPANY (IF NONE, SO INDICATE)		CITY	STATE	ZIP CODE	
7. CHECK ONE: IS THE COMPANY: <input type="checkbox"/> SINGLE-ESTABLISHMENT EMPLOYER <input type="checkbox"/> MULTI-ESTABLISHMENT EMPLOYER					
8. IF MULTI-ESTABLISHMENT EMPLOYER, STATE THE NUMBER OF ESTABLISHMENTS IN NJ					
9. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT					
10. PUBLIC AGENCY AWARDED CONTRACT					
		CITY	COUNTY	STATE	ZIP CODE

Official Use Only	DATE RECEIVED	INAUG.DATE	ASSIGNED CERTIFICATION NUMBER

SECTION B - EMPLOYMENT DATA

Report all permanent, temporary and part-time employees ON YOUR OWN PAYROLL. Enter the appropriate figures on all lines and in all columns. Where there are no employees in a particular category, enter a zero. Include ALL employees, not just those in minority/non-minority categories, in columns 1, 2, & 3. **DO NOT SUBMIT ANEEO-1 REPORT.**

JOB CATEGORIES	ALL EMPLOYEES			PERMANENT MINORITY/NON-MINORITY EMPLOYEE BREAKDOWN										
	COL. 1 TOTAL (Cols.2 &3)	COL. 2 MALE	COL. 3 FEMALE	***** MALE*****					***** FEMAL *****					
				BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON MIN.	BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON MIN.	
Officials/ Managers														
Professionals														
Technicians														
Sales Workers														
Office & Clerical														
Craftworkers (Skilled)														
Operatives (Semi-skilled)														
Laborers (Unskilled)														
Service Workers														
TOTAL														
Total employment From previous Report (if any)														
Temporary & Part-Time Employees	The data below shall NOT be included in the figures for the appropriate categories above.													

12. HOW WAS INFORMATION AS TO RACE OR ETHNIC GROUP IN SECTION B OBTAINED? <input type="checkbox"/> 1. Visual Survey <input type="checkbox"/> 2. Employment Record <input type="checkbox"/> 3. Other (Specify)	14. IS THIS THE FIRST Employee Information Report Submitted? 1. YES <input type="checkbox"/> 2. NO <input type="checkbox"/>	15. IF NO, DATE LAST REPORT SUBMITTED MO. DAY YEAR / / /
13. DATES OF PAYROLL PERIOD USED From: _____ To: _____		

SECTION C - SIGNATURE AND IDENTIFICATION

16. NAME OF PERSON COMPLETING FORM (Print or Type)	SIGNATURE	TITLE	DATE MO DAY YEAR / / /		
17. ADDRESS NO. & STREET	CITY	COUNTY	STATE	ZIP CODE	PHONE (AREA CODE, NO.,EXTENSION)

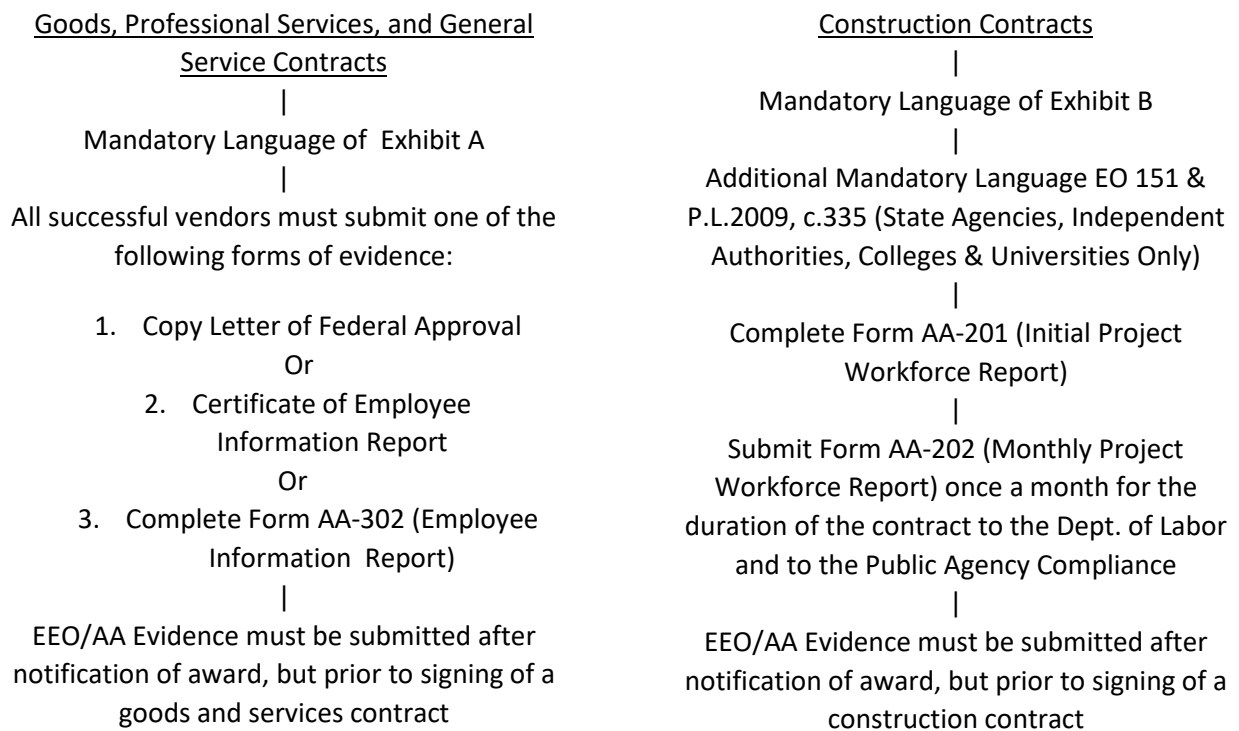
PUBLIC CONTRACT EEO/AA COMPLIANCE PROCEDURES FLOW CHART

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: _____



**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.

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_ga.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.*

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.

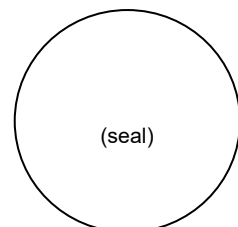
I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for commission, percentage brokerage, or contingent fee, except Bona Fide employees of the Contractor, and as may be permitted by law.

Name: _____
(print)

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

Notary Public of _____

My Commission Expires: _____





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