

New Jersey Turnpike Authority

P.O. Box 5042, Woodbridge, NJ 07095



January 27, 2026

Document Change Announcement

2016 Standard Supplementary Specifications

Elimination of Letter of Surety Option

DCA2026SS-02

Subject: Revisions to

Advertisement for Proposals

Section 101 General Information, Subsection 101.02 Definitions

Section 102 Bidding Requirements And Conditions, Subsection 102.07 Proposal Guaranty,

Subsection 102.08 Power of Attorney, Subsection 102.11 Causes for Rejection,

Subsection 102.12 Return of Proposal Guaranty

Description of Change:

This DCA eliminates the letter of surety as an option for bidders when fulfilling their proposal guaranty requirements.

Notice to New Jersey Turnpike Authority Staff and Design Consultants

Effective immediately, all contracts currently in the design phase shall incorporate the revisions herein.

For advertised contracts awaiting the opening of bids this revision shall be incorporated via addendum.

Contact your New Jersey Turnpike Authority Project Manager for instruction.

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

<https://www.njta.gov/business-hub/professional-services/document-change-announcements/>

Recommended By:

(signature on original)

Lamis T. Malak, P.E.

Deputy Chief Engineer - Design

(signature on original)

Robert Higham, P.E.

Deputy Chief Engineer - Construction

Approved By:

(signature on original)

Daniel L. Hesslein, P.E.

Chief Engineer

Distribution: Senior Staff Engineering, Law, Operations Depts., UTCA, AGC, All Prequalified Consultant Firms, File

NOTE: All text herein are REVISIONS, as indicated by the tracked changes, to the latest version of the 2016 Standard Supplementary Specifications.

ADVERTISEMENT FOR PROPOSALS

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INSTRUCTIONS TO BIDDERS

Proposals must be submitted electronically through the Bid Express Electronic Bidding portal on the Authority's website (<http://www.njta.com/doing-business/construction-and-maintenance-contracts>) under the location entitled "Bid Express". Paper Proposals will not be accepted.

The deadline to submit Proposals is [insert time]* o'clock Prevailing Time on the morning/afternoon of [insert date]* at which time said Proposals will be downloaded by the Authority from the Electronic Bidding platform's (BidX) website, publicly opened and read aloud at Authority headquarters and the results posted instantly at <https://bidx.com/njta/main>. Any Addenda that may be issued will be issued at least three (3) business days prior to the deadline to submit Proposals as set forth above. Refer to Subsection 102.05 of the Specifications regarding the submission deadline for questions, interpretations or corrections.

The Bidders are advised that the Proposal Bond form ~~or the Letter of Surety form~~ provided in the Authority's Electronic Bidding software must be executed by the Bidder ~~when this type of proposal guaranty is selected by the Bidder~~.

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LETTER OF SURETY

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned

_____ as PRINCIPAL: and

_____ as SURETY and duly qualified to transact business in the State of New Jersey, are hereby held and firmly bound unto the New Jersey Turnpike Authority in the sum by which the amount of the Contract, covering the attached proposal, properly and lawfully executed by and between the New Jersey Turnpike Authority and some third party, may exceed the amount bid by the Principal for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

Signed, this _____ day of _____ A.D. two thousand and _____.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH that whereas the Principal has submitted to the New Jersey Turnpike Authority a certain Proposal, attached hereto and hereby made a part hereof, to enter into a Contract in writing for Contract No. _____ of the New Jersey Turnpike Authority;

NOW, THEREFORE,

- (a) If said Proposal shall be rejected by the New Jersey Turnpike Authority, or in the alternative,
- (b) If said Proposal shall be accepted by the New Jersey Turnpike Authority, and the Principal shall duly execute the Contract Agreement and furnish the required Contract Bond, within the stipulated time,

Then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Authority may accept such Proposal; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

[Corporate Seal]

WITNESS OR ATTEST: _____

Principal

[Corporate Seal]

WITNESS OR ATTEST: _____

Surety

SECTION 101 - GENERAL INFORMATION

101.02 Definitions

(B) Terms

Delete "Letter of Surety".

Delete "Proposal Guaranty" and replace it with the following:

| | |
|--------------------------|---|
| <u>Proposal Guaranty</u> | <u>Security in the form of a Proposal Bond, accompanying a Proposal, guaranteeing that Bidder will execute the Contract and furnish the required Contract Bond, if Bidder's Proposal is accepted.</u> |
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NOTE: All text herein are ADDITIONS to the latest version of the 2016 Standard Supplementary Specifications.

SECTION 102 - BIDDING REQUIREMENTS AND CONDITIONS

102.07 Proposal Guaranty

Delete this Subsection and replace it with the following:

Proposals shall be accompanied by a Proposal Guaranty which shall consist of a Proposal Bond utilizing the forms provided in the Authority's Electronic Bidding software.

The Proposal Bond shall be in the sum of not less than ten percent (10%) of the total price of the Proposal.

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102.08 Power of Attorney and Consent of Surety

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

The Proposal Bond, ~~or Letter of Surety,~~ and the Consent of Surety shall be accompanied by a Power of Attorney evidencing the signatory's authority to bind the Surety to the Proposal Bond, ~~or Letter of Surety,~~ and the Consent of Surety. The Power of Attorney shall expressly set forth the attorney-in-fact's authority to sign the Proposal Bond, ~~or Letter of Surety,~~ and the Consent of Surety on behalf of the surety company, and shall further certify that such power is in full force and effect as of the date of the Proposal Bond, ~~or Letter of Surety,~~ and the Consent of Surety. The Consent of Surety shall set forth the surety company's unqualified obligation to provide the Contract Bond upon award of the Contract to the Bidder. The Power of Attorney and Consent of Surety shall be in a form acceptable to the Authority.

102.11 Causes for Rejection

Delete the second paragraph and replace it with the following:

Proposals may be rejected in accordance with law, including, but not limited to, (a) if conditions, restrictions or limitations are attached to a Proposal, (b) if the Proposal fails to conform to the essential requirements of the Contract Documents, (c) if the bid amount is in excess of Bidder's prequalification classification, (d) if the Proposal Guaranty is not ~~registered with verified on the internet by~~ one of the ~~s~~Surety ~~r~~Registry ~~a~~Agencies listed in the Authority's Electronic Bidding software ~~by the proposal deadline,~~ (e) if the unit prices are unbalanced, (f) if competition has been suppressed, (g) if received from Bidders who have previously performed work for the State of New Jersey or the Authority in an unsatisfactory manner, (h) for non-conformance with "The New Jersey Prevailing Wage Act," N.J.S.A. 34:11-56.25 et seq. as amended and supplemented, (i) if more than one bid is submitted by the Bidder for the same contract, (j) if the bid is not submitted on the Authority's issued Proposal form, (k) for nonconformance with New Jersey Public Works affirmative action requirements, N.J.S.A. 10:5-31 et seq. as amended and supplemented, (l) for nonconformance with New Jersey ownership disclosure requirements, N.J.S.A. 52:25-24.2 as amended and supplemented, (m) if it is deemed advisable to do so in the best interests of the Authority, (n) if the Bidder is disqualified pursuant to Subsection 102.02, (o) failure to be registered pursuant to the Public Works Contractor Registration Act ("PWCRA") at the time of Proposal submission, (p) if the Proposal is unreasonable as to price, both as to Total Price and prices for individual line items as well, (q) if the Bidder is federally debarred pursuant to Subsection 102.22, (r) failure to submit a completed Disclosure of Investment Activities in Iran form pursuant to Subsection 102.18 prior to contract award or (s) for any other reason allowed by law.

Replace the third paragraph with the following:

The Authority reserves the right to waive any or all minor irregularities and technicalities in the submission of bidding documents, in accordance with law.

NOTE: All text herein are ADDITIONS to the latest version of the 2016 Standard Supplementary Specifications.

102.12 Return of Proposal Guaranty

Delete this Subsection and replace it with the following:

Proposal Guaranties of Bidders, whose bids are to be considered by the Authority, will be retained until such time as the Authority executes the Contract or when the matter has been disposed of by the Authority.

The Proposal Bond of Bidders, whose bids are not to be considered for Award by the Authority, will be void.