February 27, 2026

TO: **ALL QUALIFIED FIRMS**

SUBJECT: **REQUEST FOR EXPRESSIONS OF INTEREST**
ORDER FOR PROFESSIONAL SERVICES NO. P4278
DESIGN SERVICES FOR CONTRACT NO. P200.878, CULVERT REPAIRS, MILEPOST 65 TO 70

Enclosed herewith is a Request for Expressions of Interest ("RFEOI") by the New Jersey Turnpike Authority ("Authority") for professional engineering services required for design and permitting, as necessary, for the structural rehabilitation or repairs of the culverts located at Garden State Parkway ("Parkway") Mileposts 65.42S, 65.45N, 69.30S, 69.41N, 69.77S and 69.78N. These services also include non-NBIS culvert inspections, repairs or replacement for stormwater collection facilities and ancillary drainage structures, and post design services (see Attachment B). In accordance with N.J.A.C. 19:9-2.8(b), this Order for Professional Services ("OPS") is considered a Complex procurement.

To be considered as eligible and qualified to submit an Expression of Interest ("EOI") for the professional engineering services being solicited in this RFEOI, a Firm must be prequalified in the following Profile Codes:

Profile Codes	Descriptions
A250	Fully Controlled Access Highways
A265	Roadway Storm Water Collection Systems

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

Prequalification is not required for subconsultants. Prequalification **is** required for Joint Ventures.

A list of Qualified Firms eligible to submit an EOI for the above-referenced assignment is attached (see Attachment B (Subsection B5)). *Joint Ventures (*Qualified Firms interested in submitting an EOI as a Joint Venture **must be prequalified as a Joint Venture** with the Authority) that meet all Profile Code requirements are also eligible to submit an EOI.

The Authority is seeking participation of Small Business Enterprises ("SBEs") as subconsultants to the Successful Qualified Firm ("Firm") that is awarded a contract under this RFEOI. The SBE project goal is 25%. The Authority has also adopted a Disabled Veteran Owned Business ("DVOB") Enterprise Program (the "DVOB Program") pursuant to which the Firm must make a good faith effort to award at least three (3) percent of the assignment to DVOBs, all as more fully described in this RFEOI. (See Attachment C (Subsection C12), "Small Business Enterprise and Disabled Veteran-Owned Business Programs").

All submittals required pursuant to N.J.S.A. 19:44A-20.13 to 20.25 (P.L. 2005, c.51), N.J.S.A. 19:44A-20.26 (P.L. 2005, c.271s.2), P.L. 2023, c.30 (The Elections Transparency Act), and Executive Order 333 (2023 Murphy) will be requested from the Firm only. The relevant forms will be transmitted to the Firm by the Authority and are to be returned to the Authority within five (5) business days from receipt.

The following attachments are incorporated into and made part of the RFEOI:

- ATTACHMENT A: Expression of Interest Submission Requirements (Subsection A1)
- ATTACHMENT B: Procurement Information and Scope of Services (Subsections B1 through B4).
- ATTACHMENT C: Standard Supplemental Information and Forms (Subsections C1 through C13).
- ATTACHMENT D: N.J.A.C. 19:9-2.8 Procedure for Prequalification and Award of Contracts for Architectural, Engineering and Land Surveying Services.

STAFF QUALIFICATIONS

It will be the Firm's responsibility to ensure that the project is fully and adequately staffed for the successful completion of the project.

A description of services being solicited by this RFEOI can be found in Attachment B (Subsection B2), "Scope of Services".

PROJECT DESCRIPTION

OPS No. P4278 will provide professional engineering services required for design and permitting, as necessary, for the structural rehabilitation or repairs of the culverts located at Parkway Mileposts 65.42S, 65.45N, 69.30S, 69.41N, 69.77S, and 69.78N. These services also include non-NBIS culvert inspections, repairs or replacement for stormwater collection facilities and ancillary drainage structures, and post design services.

The Authority will utilize a Secure File Sharing site ("Kiteworks") to share with and receive information from the Qualified Firms. Access to Kiteworks will be provided to the Qualified Firms via e-mail. Reference materials (*preliminary plans, studies, reports, etc.*) for this RFEOI will be made available for review in the "Reference Materials" folder.

If there are any questions or issues related to Kiteworks, please contact Jennifer Romero via e-mail at jromero@njta.com. The subject line should read "OPS No. P4278, Kiteworks Information".

SUBMISSION REQUIREMENTS FOR EXPRESSION OF INTEREST

Qualified Firms that are interested in being considered to perform these services as specified in the RFEOI, must submit a total of **five (5)** EOIs no later than **10:00 AM** on **Wednesday, March 18, 2026** as follows**: One (1) PDF** copy uploaded to the "EOI" folder in Kiteworks and in accordance with the following naming convention: "OPS No. P4278-EOI-[Firm Name]"; and **four (4) hard copies** (one (1) original with cover clearly marked **"Original"** and three (3) copies) of the EOI shall be delivered to the Authority's Headquarters with the package clearly labeled with the Qualified Firm's name and the words, "EOI - OPS No. P4278", no later than the date and time referenced above. **Late submissions will not be considered** and will be returned unopened.

Expressions of Interest received by the date and time specified above will be publicly opened via conference call only on submission closing date. Conference call details will be made available on the Authority's website at https://www.njta.gov/business-hub/current-solicitations/.

For anyone who wishes to participate, conference call access shall be open five (5) minutes prior to the time specified and shall remain open until all submitted proposer firm names have been read.

Expressions of Interest shall be delivered/addressed as follows:

Hand or Overnight Delivery	**U.S. Mail**
New Jersey Turnpike Authority	**New Jersey Turnpike Authority**
1 Turnpike Plaza	**P.O. Box 5042**
Woodbridge, NJ 07095	**Woodbridge, NJ 07095-5042**
Attn: Engineering Department	**Attn: Engineering Department**
Highway Design	**Highway Design**
Marili Tapia, P.E., Project Supervisor	**Marili Tapia, P.E., Project Supervisor**

INQUIRIES

Inquiries pertaining to this RFEOI are to be directed in writing to Marili Tapia, via e-mail at tapiadominguez@njta.com with a copy to Dawn Margolis, via e-mail at margolis@njta.com. The subject line should read "OPS No. P4278 - EOI Inquiry". **The deadline for inquiries is Monday, March 9, 2026.** The Authority will respond to all written inquiries received by the deadline. Each inquiry will be stated, and a written response provided. **Responses will be posted on the Authority's website under Doing Business/Current Solicitations on or before Wednesday, March 11, 2026**.

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

FIRM SELECTION

Upon receipt of the EOIs, and in accordance with N.J.A.C. 19:9-2.8(e), the Authority will review each Qualified Firm's submission for completeness and shall reject those EOIs that are incomplete. The Authority shall notify all Firms whose EOIs are determined to be incomplete in writing.

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

EOIs will be evaluated and ranked on the basis of numerical scores resulting from pre-established weighted factors. For this project, the rating factors and their relative weights are:

	RATING FACTORS	WEIGHT (%)	POINTS
1.	Experience of the Qualified Firm and its Subconsultants on Similar Projects	15	45
2.	Experience of the Project Manager on Similar Projects	15	45
3.	Key Personnel's Qualifications and Relevant Experience	15	45
4.	Understanding of the Project and the Authority's Needs, and Reasonableness of Staffing Estimate	15	45
5.	Approach and Methodology in Performing the Services Required	15	45
6.	Commitment and Ability to Perform the Project and Outstanding Work with the Authority	10	30
7.	Commitment to Quality Management	10	30
8.	Attainment of DVOB and SBE Participation Goals	5	15
		100%	300

RATING FACTORS (to be summarized in the **Letter of Interest):**

1. **Experience of the Qualified Firm and its Subconsultants on Similar Projects**

   The Qualified Firm shall provide information on past projects that demonstrate its performance of services similar to those required for this assignment. Each project listed shall include a brief description of the project scope performed by the Qualified Firm and its relevance to the proposed assignment. It shall identify the Qualified Firm's office(s) from which the work was performed, the date (time frame), the services were performed, magnitude and cost of the project, as well as contact/reference information for each project listed.

   The Qualified Firm is required to submit a completed Recent Project Experience Form listing all projects, with the Authority as well as referenced clients provided in the letter of interest, on which the Qualified Firm is currently working, or that have been completed (closed out) within the previous three (3) year period. A separate form shall be provided for the Qualified Firm and for each subconsultant.

2. **Experience of the Project Manager on Similar Projects**

   The Qualified Firm shall identify the Project Manager that will be assigned to the project and identify the individual's education, credentials, and work experience. The Qualified Firm should discuss the proposed Project Manager's experience and its application to the assignment. The Qualified Firm shall review the criteria set forth by the Authority in the RFEOI in consideration of the person proposed for the assignment. If the Qualified Firm is proposing an individual with credentials considerably different than those identified by the Authority, the Qualified Firm must explain its rationale and identify/demonstrate the benefit the individual brings to the assignment.

   The submitted resume of the proposed Project Manager shall be clear, dated and detailed to the related assignment experience. References shall be furnished for each project listed (include date when work performed and relevance to subject assignment and at least one contact name and phone number for each project). Unless otherwise noted, the Project Manager shall be a licensed Professional Engineer.

3. **Key Personnel's Qualifications and Relevant Experience**

   The Qualified Firm shall identify the Project Engineer and/or other key personnel that will be assigned to the project and their role and responsibilities specific to the assignment. Information concerning their education, credentials and work experience should be provided along with contact/reference information. The Qualified Firm shall discuss the individuals proposed for the assignment and identify how their education, credentials and work experience are applicable to their role on the assignment.

   The submitted resumes of proposed key personnel shall be clear, dated and detailed to the related assignment experience. References shall be furnished for each project listed (include at least one contact name and phone number for each project).

4. **Understanding of the Project and the Authority's Needs and Reasonableness of Staffing Estimate**

   Provide an explanation of the Qualified Firm's understanding of the project and Authority's needs required for the successful completion of the assignment. Provide a summary of the Qualified Firm's qualifications and state how they relate to the Qualified Firm's ability to provide the requested services. Through submitted organizational chart and resumes, identify the person(s) or subconsultant(s) responsible for each division of the assignment and their relevant experience.

   a. Understanding of the Project

      The Qualified Firm shall provide information to demonstrate that it fully understands the overall objective of the project and why the Authority is undertaking the assignment. This may include discussions providing background information on the need for the project, its effect on the Authority's facilities, and impact on the overall transportation network. Qualified Firms should demonstrate specific first-hand knowledge of the location affected by the project and the long-term effects the project has on the Authority, its patrons, or other relevant issues.

   b. Understanding of the Authority's Needs

      The Qualified Firm shall demonstrate that it fully understands the needs of the Authority as it relates to the specific scope of work identified in the RFEOI. The Qualified Firm must confirm the deliverables and the schedule for design and construction associated with project specific deliverables. The Qualified Firm should also discuss project management items, including deliverables such as submittal of wage rate approvals and invoicing.

   c. Reasonableness of Staffing Estimate

      The Qualified Firm shall demonstrate, through its submitted Staffing Estimate, the workhours required for this assignment, including any work anticipated to be performed by subconsultants. The staffing schedule shall follow the guidelines set forth herein and sample in Attachment B (Subsection B3).

5. **Approach and Methodology in Performing the Services Required**

   The Qualified Firm shall identify the major tasks comprising the project and describe in detail how they will be accomplished. Provide an explanation of the process the Qualified Firm will use to schedule, manage, and perform the required tasks within the scope of services and identify the key milestones and the project's critical path. The Qualified Firm shall identify key issues and potential problems and discuss alternatives and options which would lead to resolution. The Qualified Firm should discuss innovative concepts with cost benefits and/or accelerated project delivery, where applicable. The subconsultant roles, value to the team/project, and reporting relationship shall be clearly identified.

6. **Commitment and Ability to Perform the Project and Outstanding Work with the Authority**

   The Qualified Firm shall identify its commitment and ability to complete the proposed work as well as any outstanding work they currently have with the Authority. The Qualified Firm shall provide an explanation of the anticipated project schedule and demonstrate that the Qualified Firm can commit the required staff resources and management to perform the assignment. A listing of the Qualified Firm's facilities, including the address of the office where the project will be performed, and how they relate to the Qualified Firm's ability to provide the requested services shall be provided.

a. Commitment and Ability to Perform the Project

The Qualified Firm shall discuss its commitment and availability of required staff for the assignment as shown on the completed "Commitments of Proposed Project Staff" and "Certification of Staff Availability" forms.

b. Outstanding Work with the Authority

The Qualified Firm shall discuss its outstanding work with the Authority as shown on the completed Disclosure Forms for the prime and all subconsultants. Information should be provided to demonstrate how this project may be impacted or affected by the existing workload of the Qualified Firms or its subconsultants. Outstanding Work shall be considered the sum of the Outstanding Work of the prime and subconsultants. No factors/weighting will be applied based on the percent of work assigned to the prime or subconsultants.

7. **Commitment to Quality Management**

The Qualified Firm shall discuss its Commitment to Quality Management and Quality Assurance/Quality Control ("QA/QC"). The Qualified Firm shall provide a written narrative that describes the Qualified Firm's quality assurance policy and how it intends to implement a quality assurance program specifically for this assignment. The Qualified Firm shall identify credentialed QA/QC staff and the roles and working relationship with other staff members as part of the design process or construction phase.

8. **Attainment of DVOB and SBE Participation Goals**

The Qualified Firms agree to make a good faith effort to award at least three (3) percent of the assignment to those businesses that meet the requirements and have been registered by the Division of Revenue and Enterprise Services/Department of Treasury as a Disabled Veteran Owned Business Enterprise. Qualified Firms shall demonstrate how they will utilize DVOB Qualified Firms to achieve the 3% goal and add value to the project team.

The Qualified Firms also agree to make a good faith effort to award at least twenty-five (25) percent of the assignment to those businesses that meet the requirements and have been registered by the Division of Revenue and Enterprise Services/Department of the Treasury as a Small Business Enterprise.

Qualified Firms shall demonstrate how they will utilize SBE Qualified Firms to achieve the 25% goal and add value to the project team.

ORDER FOR PROFESSIONAL SERVICES

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

Very truly yours,

ORIGINAL SIGNED BY

Daniel L. Hesslein, P.E.
Chief Engineer

DLH/ MT/dmm
Attachments
c: L.T. Malak
L.K. Navarro
Review Committee
File

ATTACHMENT A
Expressions of Interest Submission Requirements

Subsection No. and Title

A1. Expressions of Interest Submission Requirements

Subsection A1
Expression of Interest Submission Requirements

The EOI submission is limited to a maximum of **nineteen (19)** pages. This page limitation does not include the documents listed in Items 3-7 below. Only single sided, 8.5x11 inch letter-sized pages with 1-inch minimum borders and a minimum 11-pt font size are permitted unless otherwise noted below.

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

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

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

2. **Resumes (up to seven, each resume two pages in length maximum): Resumes** should detail relevant experience, professional/technical qualifications, and include dates for each project listed.

3. **Organizational Chart:** An organizational chart displaying key project team members for all primary tasks, including subconsultants. Provide names, titles, and reporting relationships for all team members. An 11x17 inch fold out page is permitted.

4. **Staffing Estimate:** The detailed staffing estimate for the work described herein shall include each task, by ASCE Grade/Classification, along with an estimate of total hours. An 11x17 inch fold out page is permitted.

5. **Project Schedule:** A project schedule for this solicitation shall address the various tasks defined by the scope of services for this assignment. A maximum of two (2) 11x17 inch fold out sheets are permitted.

6. **Proposed Staff:** When proposing the same staff in multiple EOIs, the Qualified Firm must disclose one of the following:

   a. A statement that all projects utilizing the same staff will be completed on time and include the plan for how that will be accomplished.

   b. A statement that the Qualified Firm voluntarily withdraws from consideration for other EOIs if the Authority is giving serious consideration to more than one EOI; or

   c. Alternate staff resumes to be used by the Authority in evaluating EOIs if the Authority is giving serious consideration to more than one EOI.

      The additional pages allowed shall include:

      i. An alternate Organizational Chart as permitted above showing key personnel names, position, title, and reporting relationships (Note: Organizational Chart is not included in the page count).

      ii. One (1) single-sided, letter-sized page resume for up to seven (7) alternative key project personnel stating relevant experience including dates of assignments and professional qualifications.

      iii. Allowance for one (1) single-sided, letter-sized page, if necessary, to explain the Qualified Firm's modified approach to the project if it would be handled differently as a result of utilizing the alternate personnel.

      Choosing option 6(c) above will add an additional eight (8) single-sided, letter-sized pages for alternate staff, thus increasing the maximum page allowance to twenty-seven (27) pages (not including Items 3-7above).

      The Qualified Firm shall not include alternate staffing in their EOI unless they are required to do so in accordance with option 6(c) above. When appropriately included in the EOI, the proposed alternate staffing information shall be contained in a separate attachment of the EOI. It shall only be considered by the Authority in the scoring of the EOI, if required.

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

Pages in excess of the stated page limitations for each of the EOI criteria above will not be read or considered. If the EOI submitted is not in accordance with the specific provisions defined above, it shall be considered non-responsive, incomplete, and may be rejected.

ATTACHMENT B
Procurement Information and Scope of Services

Subsection No. and Title

B1. OPS Procurement Schedule and Anticipated OPS Project Schedule

B2. Scope of Services

B3. Staffing Estimate

B4. Compensation Basis

B5. Qualified and Eligible Firms

Subsection B1

OPS Procurement Schedule

Request for Expressions of Interest Posted	February 27, 2026
Deadline for Written Inquiries	March 9, 2026
Posted Responses to Inquiries	March 11, 2026
Deadline for Submittal of Expressions of Interest	March 18, 2026
Request for Technical and Sealed Fee Proposals	March 31, 2026
Deadline for Submittal of Technical Proposals	April 20, 2026
Notice of Scheduled Oral Presentations	May 6, 2026
Oral Presentation, If Required	May 13, 2026
Recommendation to Award OPS	June 23, 2026

Anticipated OPS Project Schedule

Notice to Proceed	August 4, 2026
Phase D Submission	April 2028
Completion of Services	September 2030
Administration Project Closeout	December 2030

Subsection B2
Scope of Services

INTRODUCTION

Providing motorists of the Parkway with a roadway in good state of repair is essential for safe, reliable, and efficient travel. Maintaining culverts which carry these roadways is essential in contributing to this goal. The Authority maintains a database of non-NBIS culverts (5 ft. to 20 ft. span length) and performs periodic inspections to assess the condition of these assets. Inspection findings have identified the need to provide a long-term solution to address existing Corrugated Metal Pipe (CMP) drainage facilities, many of which are approaching the end of their services lives. Section loss of these CMP culverts and invert degradation have been causing sinkholes in the roadway surface. Inspection findings have also identified the need to perform various repairs for existing Reinforced Concrete (RCP) drainage facilities to improve asset condition, including addressing minor deficiencies such as spall-repairs, join repairs, liner replacements, etc.

OPS No. P4278 is for professional engineering services required for design and permitting, as necessary, for the structural rehabilitation or repair of the following culverts on the Parkway:

OPS NO. P4278 CONSTRUCTION CONTRACT NO. P200.878						
Culvert Milepost	**Road Carried**	**Waterway**	**Material - Dimension**	**Culvert Type**	**Number of Main Spans**	**Anticipated Improvement**
65.42S	Parkway S	Fourmile Branch	CMP - 60" Diameter	Circular Pipe	1	Structural Rehabilitation
65.45N	Parkway N	Fourmile Branch	CMP - 60" Diameter	Circular Pipe	1	Structural Rehabilitation
69.30S	Parkway S	South Branch Waretown Creek Tributary	CMP - 60" Diameter	Circular Pipe	1	Structural Rehabilitation
69.41N	Parkway N	South Branch Waretown Creek Tributary	RCP - 60" Diameter	Circular Pipe	1	Repair
69.77S	Parkway S	North Branch Waretown Creek	RCP - 60" diameter	Circular Pipe	1	Repair
69.78N	Parkway N	North Branch Waretown Creek	CMP - 60" Diameter	Circular Pipe	1	Structural Rehabilitation

The following shall apply:

- Culvert Structural Rehabilitation shall be long-term structural improvements.
- Culvert Repairs may be short-term, designed to stabilize the culvert or address minor deficiencies, such as but not limited to spot patching, joint repairs, liner repair/replacement, arresting water/soil seepage within the culvert barrel, etc. Culvert repairs shall not preclude full structural rehabilitation and/or replacement of these culverts, which may be pursued in the future. Culvert appurtenance repairs shall be considered where required. Short-term repairs shall also consider stabilization of the surrounding roadway pavement and berm areas, as required.

In addition to the non-NBIS culvert locations noted above, the Successful Qualified Firm shall recommend and design appropriate repairs/replacement, if/where required, for stormwater collection facilities (pipes, inlets, etc.) which directly connect into the large culvert drainage systems and/or are within direct vicinity of the rehabilitation/repair areas. Ancillary drainage structures shall also be assessed, and repair/replacements proposed, where appropriate. The Successful Qualified Firm shall identify these facilities and provide recommendations for improvements in the Phase A/Concept Development Submission, for the Authority's consideration.

The latest Culvert Inspection Reports for these culverts are included as Reference Materials. Additional data/information for these culverts can be provided to the Successful Qualified Firm after Notice to Proceed, as applicable.

GENERAL

1. All services provided by the Successful Qualified Firm shall be in strict conformance with Authority requirements and standards of quality as may be found in the Procedures Manual, Design Manual, Standard Drawings, Sample Design Plans, CADD Standards, latest Standard and Supplemental Specifications, Manual for Traffic Control in Work Zones, and any specific criteria established for the Program. Authority Standard publications and drawings are available on the Authority's website at www.njta.gov.

2. The Successful Qualified Firm shall be responsible for the thorough understanding of the project requirements, including all applicable codes, permits, and regulations for all aspects of this project. All design elements must be in full compliance with all applicable codes, regulations, and standards, and shall consider all technical guidelines available.

3. Any documents required to be submitted to the Authority for review and comment, in performance of the services will not relieve the Successful Qualified Firm from its obligation to perform all services in accordance with proper engineering criteria and sound professional engineering in accordance with the relevant standard of care. The Authority's review and comment shall not be construed as a comprehensive or detailed review for purposes of verifying or validating such submissions or the Successful Qualified Firm's work product. The Successful Qualified Firm shall be solely responsible for all documents it prepares and shall remain responsible to ensure the integrity of its work, including that of its subconsultants.

DETAILED SCOPE OF WORK

The Successful Qualified Firm is responsible to undertake any and all activities required to prepare contract documents and all ancillary activities to effectuate the design process. As such, it is anticipated that the Successful Qualified Firm will be required to perform, at a minimum, the services outlined below. However, the Successful Qualified Firm shall be responsible to account for any and all work activities necessary for the complete performance of this assignment whether or not such activities are identified below. The Successful Qualified Firm shall account for all work activities required for this project and shall identify any additional services that will be required for the complete performance of this assignment.

1. **Inspection**
   a. Perform non-NBIS culvert inspections for all culverts in accordance with the Authority's current version of the Culvert Inspection Guide to document conditions both initially and post construction. Inspections shall include the culvert, appurtenances, roadway, embankment, waterway conditions, etc. See Reference Materials for the 2025 edition.

   b. The Successful Qualified Firm shall prepare Culvert Inspection Reports for each culvert, utilizing the Authority's current Culvert Inspection Report Template. All data and high-resolution photos shall be recorded in the Authority's proprietary software provided by Bentley "AssetWise Asset Reliability Inspections" (aka AssetWise) (accessible via weblink), from which the Report shall be generated. Upon approval from the Authority's Design Liaison, the Successful Qualified Firm shall request AssetWise access from the Authority's Bridge Inspection Program Technical Manager Consultant and shall coordinate with the Technical Manager for final acceptance of the Reports. The Successful Qualified Firm shall be responsible for understanding the Authority's AssetWise system and inspection rating criteria (training will not be provided). The Successful Qualified Firm shall adhere to the Authority's Culvert Inspection Guide, which provides guidelines for report preparation and approach.
   c. A total of 2 separate Culvert Inspection Reports shall be prepared per culvert location included in the Construction Contract (see above table) – an initial report to document existing conditions, and a post construction report after all construction

is complete to document the final as-built condition. Each Report shall include the following submittal process: 1) submit Preliminary Report for review, 2) prepare comment responses and address comments, and 3) submit Final Report in AssetWise. The Final Report for existing condition inspections shall be submitted with the Phase A/Concept Development Submission.

d. The Successful Qualified Firm shall conduct all culvert inspections in a safe and competent manner, abiding by all necessary industry safety requirements and protocols. Environmental conditions (weather, tide, etc.) shall be monitored to ensure inspections are conducted in a safe manner.

   i. Confined Space Entry Requirements – The appropriate requirements (OSHA, etc.) and techniques (radios, specialized breathing equipment if/where required, etc.) for culverts deemed as confined spaces shall be followed.

   ii. The Successful Qualified Firm shall submit resumes, NHI training certificates and QAF-3 forms for all inspection team members after Notice to Proceed, for approval by the Authority. See Reference Materials for information.

2. **Survey/Mapping/Data Collection**

   a. Obtain and review existing data, including Record Drawings, NJTA Inspection Reports, conduct field visits, etc. The Successful Qualified Firm shall note that the Record Drawings provided as Reference Materials in this Solicitation may not be all-inclusive.

   b. Perform detailed field surveys and develop new base mapping for the locations requiring culvert rehabilitation and repairs, in accordance with the latest NJTA Procedures Manual and CADD standards. Obtain required accuracy for the preparation of contract documents, including but not limited to identifying drainage facilities, utilities, environmental resources, stream, etc.

   c. Perform survey of the culvert barrel interior to record level of detail necessary for hydraulic analyses and structural rehabilitation and repair design. As-built information of culvert interior shall be field verified.

   d. The condition of the roadway and/or fill must be assessed at each culvert, utilizing methods such as GPR, etc. Identify any voids/soil deficiencies, and account for all necessary repairs/stabilization to ensure the area surrounding the culvert barrel is sound. Proposed repair details, if required, must be included in the Phase B Submission. If an emergency condition is identified which needs immediate attention, the Successful Qualified Firm shall provide recommendations to the Authority for the critical/stabilization repair and shall work with the Authority to execute this repair expeditiously.

3. **Permitting**

   a. The permitting efforts shall be performed in close coordination with the Authority's Design Liaison. No contact shall be made with the public or municipal, county or state officials unless authorized in advance by the Authority.

   b. Executive Order No. 215 (1989 Kean) – If applicable, the Successful Qualified Firm shall prepare an Executive Order No. 215 (E.O. No. 215, 1989 Kean) Environmental Assessment/Environmental Impact Statement, and any other documents to satisfy the requirements of the environmental evaluations.

   c. Environmental Permitting – The Successful Qualified Firm shall be responsible for securing all environmental permits, in conformance with the most recent regulatory agency rules, required for this assignment. The Successful Qualified Firm shall perform all environmental investigations necessary to obtain required permits, attend all required meetings with the regulatory agencies, including a pre-application meeting, prepare and submit all permit applications required, and resolve all comments received by the public and regulatory agencies. The Successful Qualified Firm shall prepare and obtain Soil Erosion Sediment Control permits where required. The Successful Qualified Firm shall be responsible for paying all required permit application fees.
   d. Perform hydrologic and hydraulic analyses for the proposed work to satisfy all permitting and design requirements.

   e. The Successful Qualified Firm shall note that while the Authority has General Maintenance Permits issued by the NJDEP to permit certain activities, these General Permits may not apply to all required activities proposed for the improvements.

4. **Alternatives Analysis**

   a. Perform an alternatives analysis for long-term structural rehabilitation or repair for each culvert location, for the Authority's consideration. Investigate factors including but not limited to constructability, history of performance on Authority and/or other Agency projects, design service life, construction costs, maintenance, and pros/cons for each option. Document the assessment in an Alternatives Analysis Report with summarizing matrix. Provide a final recommendation for the Authority's consideration. The Alternatives Analysis shall be submitted with the Phase A/Concept Development Submission.

   b. Long-term structural rehabilitation options shall take into account the Authority's goal of eliminating corrugated metal pipes within the Authority's right-of-way.

   c. Recommend appropriate repairs/replacement options, if/where required, for stormwater collection facilities (pipes, inlets, etc.) and/or ancillary drainage structures, which directly connect into the culvert drainage systems and/or are within direct vicinity of the rehabilitation/repair areas. The Successful Qualified Firm shall identify these facilities and provide recommendations for facility improvements in the Alternatives Analysis.

5. **Structural/Geotechnical Design**

   a. Perform structural analysis and design for the selected culvert structural rehabilitation and repair schemes.

   b. Design repairs/rehabilitation of culvert appurtenances, as required.

   c. Design soil and pavement stabilization schemes above and around culvert, if required.

   d. If required, perform necessary soil and/or pavement borings/test pits for design of proposed improvements.

6. **Roadway/Drainage Design**

   a. Perform roadway and drainage design for the proposed improvements, in accordance with the Authority's current Standards.

   b. Recommend and design repairs/replacement of collection system drainage features which directly connect into and/or are within proximity of the non-NBIS culverts, as required. The Successful Qualified Firm shall note that it is the Authority's goal to eliminate corrugated metal pipes from within the Authority's right-of-way.

7. **MPT & Constructability**

   a. Perform traffic control design, in accordance with the Authority's current standards.

   b. Perform constructability reviews and submit Constructability Reports, in accordance with the Authority's Procedures Manual. Qualified construction personnel shall be involved with preparation of the Constructability Report.

   c. Following the Phase B Submission and Review, the Successful Qualified Firm shall prepare an MPT Submission (95% MPT design complete) including traffic control plans, complete MPT specifications and appendices, a construction schedule with backup computations and Constructability Report. Coordination with any adjacent Contracts which may impact the schedule and/or staging schemes will be required. The Successful Qualified Firm will participate in a review meeting(s) with the Authority's Operations Department and other agencies if required. The MPT Submission Review Comments shall be addressed in the Phase C submission.

8. **Estimate/Schedule/Specifications** – Engineer's Estimate, Schedule, and Specifications shall be prepared in accordance with Authority's Procedures. Other miscellaneous submission documents, such as comment responses for phase review comments, shall be prepared and submitted in accordance with the Authority's Procedures and/or approved established formats with the Design Liaison.

9. **Construction Engineering Support** – The Successful Qualified Firm will be responsible for providing post design services as described in the Authority's Procedures Manual (which is available on the Authority's website at www.njta.gov). It is specifically noted that the Successful Qualified Firm shall be responsible for review of shop drawings and responding to request for information (RFIs) in accordance with Section 3.5 "Construction Engineering Support" including Exhibit 3-4 of the Authority's Procedure's Manual. The Successful Qualified Firm will be required to attend a Project Hand-off Meeting and prepare required materials, such as a Hand-off Report, to inform the Authority's construction staff of the key components of the contract prior to construction. Additionally, participation at weekly progress meetings for the duration of construction and participation at the final inspection meeting will be required. Construction supervision services are not included as part of this assignment.

ADMINISTRATIVE

1. **Project Coordination**

   a. The Successful Qualified Firm shall coordinate its activities with Authority personnel throughout the course of this project. Upon commencement of services under the OPS, the Successful Qualified Firm shall establish a means of coordinating and reporting its activities with the Authority's representative to ensure an expeditious exchange of information. The Authority shall be informed of all meetings with other agencies, government officials and/or groups so that Authority personnel can attend if necessary.

   b. Throughout the duration of the project, the Successful Qualified Firm shall maintain a document control system recording the disposition of all documents associated with the project. The Successful Qualified Firm shall also prepare a detailed project schedule using Primavera software for activities to be completed. The schedule shall identify all submission dates, review times, major activities, durations, critical path items, interdependencies, etc., to complete the scope of service required for the project.

   c. The Successful Qualified Firm shall work in harmony with any and all entities that have been and may be retained by the Authority for this project.

   d. The Successful Qualified Firm may be required to meet with representatives from appropriate Federal, State, County, Municipal, Utility, and other private or public organizations or agencies, as necessary to effectuate the completion of work items. The Successful Qualified Firm shall give adequate notification of all meetings to the Authority through the Authority's Project Manager. High level meetings will be attended by the Authority as required. Other meetings for the purpose of discussing typical design-related issues are anticipated to be attended solely by the Successful Qualified Firm. The Successful Qualified Firm will prepare, in a timely manner, all memoranda of meetings attended with copies to the Authority, and others as appropriate. Draft meeting minutes will be shared with the Authority's Project Manager's for review before they are issued to the attendees. The Successful Qualified Firm is responsible for the preparation of all necessary displays, exhibits and like material as needed for the meetings.

   e. The Successful Qualified Firm is responsible to the Authority for the work of its subconsultants. As such, it is expected that the Successful Qualified Firm shall perform Quality Reviews of its subconsultant's work prior to providing copies/submittals to the Authority. If extensive errors/omissions are found during reviews, the work shall be rejected and shall be revised and resubmitted at no additional cost to the Authority.

f. The Authority reserves the right to, at any time and without notice, audit the Successful Qualified Firm or their subconsultants. All agreements and/or contracts between the Successful Qualified Firm and their subconsultants shall include specific language that provides the Authority with the ability to audit the subconsultant at any time and without notice.

g. The Successful Qualified Firm shall adhere to the Authority's Online Lane Closing Program requirements when requesting lane and/or shoulder closures for work within the Authority's ROW. All requests, coordination, and communication shall be conducted through this system, including notification of Authority approvals and denials.

h. Traffic Control Coordinator (TCC) shall be required where lane and half ramp closings are to be installed by the Successful Qualified Firm, subconsultant or subcontractor as part of design or bridge inspection. A TCC will not be required for shoulder closings installed by the Successful Qualified Firm or vendor. Refer to Specifications Subparagraph 801.03(A)(6) for TCC requirements and certification which shall apply to design and bridge inspection tasks involving lane and half ramp closings.

i. Contract Coordination – The Successful Qualified Firm shall identify Authority projects (in planning, design, and construction phases) which are within proximity, and which may impact this project. The Successful Qualified Firm shall harmoniously coordinate with these contracts to ensure objectives are met for both contracts and for the Authority. This includes accounting for MPT staging work during the construction phase.

2. **Management Requirements** – The Successful Qualified Firm's Project Manager shall not be removed from the OPS and replaced with another Project Manager without prior written approval from the Authority's Chief Engineer or designated representative. It is expected that the Project Manager will actively manage the project and will lead/participate in all project-related meetings. The Project Manager will serve as the primary point of contact for the team and be available for project-related matters.

3. **Progress Reports**

   a. The Successful Qualified Firm will be responsible to prepare and submit monthly progress reports indicating percent of work completed by task, work completed in the last month, work to be performed, actions/decisions required by the Authority, and the status of the project's schedule and budget. Reports shall be submitted on a monthly basis and coincide with the invoice submitted for the same time period.

   b. Progress reports shall contain monthly updates of the approved schedule. Progress reports shall also include an estimate of the Authority's financial spending plan for the project. This spending plan will be detailed for the OPS, construction contract(s), Utility Order(s), and any other costs to be paid by the Authority.

4. **Status Meeting** - It is anticipated that the Successful Qualified Firm will be required to conduct monthly project status meetings throughout the duration of the project. These meetings shall typically occur at the Authority's Administrative offices but can be held virtually at the Authority's discretion. Other meetings may be scheduled based on project needs.

5. **Invoicing Requirements**

   a. All invoices shall be consecutively numbered and shall contain the words, "Order for Professional Services No. P4278 – Design Services for Contract No. P200.878, Culvert Repairs, Milepost 65 to 70". Invoices will not be processed before the progress report for that month's activities have been submitted.

   b. Invoices are required to be submitted (electronically to Engineering OPSInvoices@njta.com) on a monthly basis. They shall be submitted to the Authority within 15 business days of the cutoff date. The Successful Qualified Firm will also be responsible for preparing and submitting, as part of this invoice, projected billings associated with the OPS, monthly projections for two years and quarterly billing projections for the duration of the OPS.
   c. The Successful Qualified Firm shall submit timesheet summaries. Individual employees' timesheets are not required, unless specifically requested by the Authority. Direct expenses shall be reimbursed in accordance with the expenses identified in Subsection B4.
   d. The Successful Qualified Firm shall immediately notify the Authority's representative in writing if the percentage of fee earned exceeds the percentage of services completed. The Successful Qualified Firm shall immediately implement the

necessary adjustments and/or make recommendations on how to alleviate this condition. Failure to do so may result in the Successful Qualified Firm being required to absorb any costs beyond the authorized fee.

e. The Successful Qualified Firm shall be responsible to submit to the Authority for approval the wage rates of personnel that will be working on the project.

6. **Memoranda of Meeting** – The Successful Qualified Firm will prepare, in a timely manner, all memoranda of meetings attended with copies to the Authority, and others as appropriate. The Successful Qualified Firm is responsible for the preparation of all necessary displays, exhibits and like material as needed for the meetings.

DELIVERABLES

1. **Phase Submissions** – Phase A/Concept Development, Phase B, Pre-Phase C (including 95% MPT), Phase C and Phase D Submissions shall follow the requirements found in the NJTA Procedures Manual. The submission of contract documents, including plans, specifications and estimates, shall be in accordance with the Authority's Procedures Manual unless noted otherwise herein.

2. Deliverables for items such as Agreements and Utility Orders, if required, should follow the requirements outlined in the Authority's Procedures Manual. These items are to be fully negotiated and fully executed prior to Phase C.

3. The Successful Qualified Firm shall allow for a minimum three (3) week review period by the Authority for each phase submission. The Successful Qualified Firm may, at their own discretion, proceed during the Authority's review period on selected areas of the project. However, any delays caused by the Authority's review process shall not be sufficient reason for additional compensation. Prior to all phase submissions the Successful Qualified Firm will perform a QA/QC review of the submission and shall submit one (1) complete submission set to the Authority's Design Liaison Engineer for advanced review and authorization to submit the phase review materials. Failure to comply may result in rejection and resubmission of the entire phase review materials. The Successful Qualified Firm shall work with the Design Liaison Engineer to resolve advanced review comments prior to the phase submission.

REFERENCE MATERIALS:

The following reference material is available for review:

a. Culvert Inspection Reports
b. Culvert Inspection Reference Materials
c. Record Drawings
d. NJTA General Statewide Permit

Subsection B3
Staffing Estimate

Classification (ASCE-Grade)	Project Management	Inspection	Survey/ Mapping/Data Collection	Permitting	Alternatives Analysis	Structural/ Geotechnical Design	Roadway/ Drainage Design	MPT & Constructability	Estimate/ Schedule/Specifications	Construction Engineering Support	Total Hours
Project Manager (VII)											
Project Engineer (VI)											
Senior Engineer (V)											
Engineer (IV)											
Junior Engineer (II or III)											
Drafter/Tech. (ET-4, ET-5)											
Clerical											
Other - Specify ( )											
Total Hours											

Unanticipated Services – The Qualified Firm shall make an allowance of 15% contingency of the burdened labor fee in the Fee Proposal.

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

Subsection B4
Compensation Basis

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

The sealed Fee Proposal (if and when requested) shall be submitted as a cost-plus fee based on reimbursement of direct professional and technical salaries times a multiplier, not to exceed 2.80 based on a 10% allowance for profit and an overhead rate of 154.5%, or the individual Qualified Firm's overhead rate as determined by Federal Acquisition Regulations (48 CFR Part 31.105), whichever is less, plus direct expenses, subconsultant services and subcontractor services, at cost. Subconsultant and subcontractor services are those required services performed by other firms or contractors at the Successful Qualified Firm's direction. The multiplier shall not be applied to the premium portion of overtime. The multiplier covers all overhead and profit.

Salaries will be prepared using direct salary data averaged per the ASCE's Guidelines for Engineering Grades (latest version), as shown on the Staffing Estimate and as modified by the Qualified Firm, to account for all required services. Fee proposal drawdowns shall be as presented following the staffing estimate task breakdown within the Qualified Firm's Technical Proposal and escalated as follows:

- For design tasks, 3% annually after month 13 from the anticipated start date of the OPS to the mid-point of design
- For post design tasks, 3% annually after month 13 from the anticipated start date of the OPS to the mid-point of post design

Services shall be billed in accordance with the Successful Qualified Firm's Fee Proposal**.**
For general services provided by the Successful Qualified Firm's corporate officers, partners, owners and/or principals in a non-technical capacity, no compensation will be provided.

No expenses or costs shall be billed unless specifically included in the Technical Proposal and the Successful Qualified Firm's final negotiated Fee Proposal, or with prior written approval by the Authority.

The Qualified Firm's total Fee Proposal for these services shall be rounded to the nearest $5,000.

The Successful Qualified Firm is responsible for managing the assignment, adhering to the number of hours, salary rates and personnel, as proposed in the EOI and Fee Proposal. The Fee Proposal shall follow and reflect the staffing estimate as shown in Attachment B (Subsection B3).

To assist in the Authority's management of its annual spending, the Qualified Firm shall include within the Fee Proposal the projected billings associated with these services, including monthly projections for the first two (2) years and quarterly billing projections for the duration of this assignment.

Given the potential for out-of-scope activities to arise during the performance of this OPS, the Qualified Firm is directed to include a 15% contingency of the cost-plus fee based on reimbursement of direct professional and technical salaries times the multiplier (burdened labor fee) for "Unanticipated Services" in their Fee Proposal. These contingency monies will be utilized only upon receipt of written notification from the Authority explicitly authorizing the use of these monies.

Direct expenses shall include approved subconsultant services, mileage, test pits, vendor invoiced printing of phase submission documents, final documents, mylars, final plans in .PDF format, and meeting displays/exhibits. Mileage will be paid at the prevailing federal mileage rates (www.irs.gov). Mileage will be reimbursed for travel between the Qualified Firm's local office and the work site, New Jersey Turnpike Authority offices, and meetings required by the Authority or its representatives, including the return trip. Any change to this rate is subject to the approval of the New Jersey Turnpike Authority. The Successful Qualified Firm will be responsible for paying all tolls.

Compensation for lodging and meals will not be reimbursed, unless approved in writing in advance by the Authority. If approved, expenses for lodging and meals will be paid in accordance with the federal per diem rates which can be found at www.gsa.gov/perdiem. This shall apply to the Successful Qualified Firm and its subconsultants and subcontractors.

Overnight delivery charges will be paid by the Authority only if such overnight delivery is specifically requested by the Authority and agreed to in advance. Otherwise, the Successful Qualified Firm will not be reimbursed for overnight delivery charges. This shall also apply to the Successful Qualified Firms' subconsultants and subcontractors.

Subsection B5
Qualified and Eligible Firms

1. Arora and Associates, P.C.
2. ATANE Engineers, Architects and Land Surveyors, P.C.
3. AtkinsRéalis USA Inc.
4. Boswell, Inc.
5. Buchart-Horn, Inc.
6. CDM Smith Inc.
7. Churchill Consulting Engineers, LLC
8. Colliers Engineering & Design, Inc.
9. Dewberry Engineers Inc.
10. French & Parrello Associates, P.A.
11. Garg Consulting Services, Inc.
12. GFT Infrastructure, Inc.
13. Greenman-Pedersen, Inc.
14. Hardesty & Hanover, LLC
15. HDR Engineering, Inc.
16. HNTB Corporation
17. IH Engineers, P.C.
18. Infra Tech Engineering, LLC
19. Infrastructure Consulting & Engineering
20. Johnson, Mirmiran & Thompson, Inc.
21. KC Engineering and Land Surveying, P.C.
22. Kimley-Horn and Associates, Inc.
23. KS Engineers, P.C.
24. M&J Engineering, P.C.
25. MAKS Engineers, PC
26. Malick & Scherer, P.C.
27. McCormick Taylor, Inc.
28. Michael Baker International, Inc.
29. Mott MacDonald LLC
30. MP Engineers, P.C.
31. NAIK Consulting Group, P.C.
32. NV5,Inc.
33. Parsons Transportation Group, Inc.
34. Pennoni Associates, Inc.
35. Remington & Vernick Engineers
36. SJH Engineering, P.C.
37. Stantec Consulting Services, Inc.
38. STV Incorporated
39. T.Y. Lin International
40. Traffic Planning and Design, Inc.
41. TranSystems Corporation
42. Urban Engineers, Inc.
43. Van Cleef Engineering Associates, LLC

ATTACHMENT C
Standard Supplemental Information and Forms

Subsection No. and Title

C1. Administrative and Agreement Information

C2. Mandatory Equal Employment Opportunity Language, *N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127) and N.J.A.C. 17:27 et seq.*

C3. State Consultant Political Contributions Compliance, *N.J.S.A. 19:44A-20.13 to 20.25 (P.L. 2005, c.51), N.J.S.A. 19:44-20.26 (P.L. 2005, c.271s.2), P.L. 2023, c.30 (The Elections Transparency Act) and Executive Order 333 (2023 Murphy)*

C4. Right to Audit

C5. Antidiscrimination Provisions

C6. Standards Prohibiting Conflicts of Interest, Executive Order 189 (1988 - Kean)

C7. ADA Indemnification Act

C8. Diane B. Allen Equal Pay Act and the New Jersey Workplace Accountability in Labor List (WALL)

C9. Warranty by Contractor of No Solicitation on Commission or Contingent Fee Basis, *N.J.S.A. 52:34-15 (P.L. 1954, c48, s.10)*

C10. Prompt Payment Act, *N.J.S.A. 2A:30A*

C11. Code of Ethical Standards

C12. Small Business Enterprise and Disabled Veteran-Owned Business Programs

C13. Standard Supplemental Forms to be Submitted:

Forms that Shall be Submitted with the Expression of Interest:

a. Affidavit of Eligibility/Disclosure of Material Litigation
b. Small Business Enterprise/Disabled Veteran Owned Business
c. Source Disclosure Certification
d. Ownership Disclosure
e. Set-Off for State Sales Tax
f. Disclosure of Outstanding Work
g. Recent Project Experience
h. Commitment of Proposed Project Staff
i. Certification of Staff Availability

Forms that are Requested to be submitted with the Fee Proposal:

j. Affidavit of Moral Integrity
k. Disclosure of Investment Activities in Iran
l. Prohibited Activities in Russia or Belarus
m. Business Registration Certificate

Subsection C1
Administrative and Agreement Information

Professional Corporation

Incorporated Firms that have not filed a copy of a Certificate of Authorization with the Authority must include a copy of the Certificate with the EOI. Professional service corporations established pursuant to the "Professional Service Corporation Act," N.J.S.A. 14A:17-1 et seq. (P.L. 1969, c. 232), are exempt from this requirement.

Signatures
Expressions of Interest must be signed by an officer of the Firm authorized to make a binding commitment.

Incurring Costs
The Authority shall not be liable for any costs incurred by any Firm in the preparation of their Expression of Interest or Fee Proposal.

Addendum to EOI Solicitations
If, at any time prior to the Authority receiving responses to this RFEOI, it becomes necessary to revise any part of this RFEOI, or if additional information is necessary to enable firms to adequately interpret the provisions of this RFEOI, an addendum to the RFEOI will be made available on the Authority's web-site https://www.njta.gov/, as described herein.

Acceptance and Rejection of EOIs and Fee Proposals
Any award of this OPS will be made in accordance with N.J.A.C.19:9-2.8. The issuance of this RFEOI solicitating Expressions of Interest and Fee Proposals does not, in any manner or form, commit the Authority to award any OPS. The contents of the RFEOI, EOI, and a final negotiated Fee Proposal may become a contractual obligation, if an EOI submitted in response to the RFEOI is accepted, and an OPS is entered into with the Authority. Failure of a firm to adhere to and/or honor any or all of obligations of its response to the RFEOI, including its EOI, may result in recission of any OPS awarded by the Authority. The Authority shall not be obligated at any time to award any OPS. The Authority reserves the right to accept or reject any or all proposals or to negotiate with any proposer, to waive minor noncompliance, amend or supplement the RFEOI, re-advertise the RFEOI, or abandon a procurement, and/or take such other steps deemed necessary and in the best interest of the Authority, in accordance with applicable law.

Errors or Omissions in RFEOI
It is the firm's responsibility to bring to the attention of the Authority during the RFEOI any errors, omissions, or non-compliance discovered in the RFEOI. By neglecting to do so, the firm will be responsible to make any resulting changes without additional compensation if awarded the OPS.

Dissemination of Information
Information included in this RFEOI or in any way associated with this project is intended for use only by the firms submitting an EOI and the Authority and is to remain the property of the Authority. Under no circumstances shall any of said information be published, copied, or used by any firm, except in replying to this RFEOI solicitation.

News Releases
No news releases pertaining to this RFEOI or the project to which it relates shall be made without Authority approval and then only in coordination with the issuing office and the Authority's Media Relations Coordinator.

Public Records
This RFEOI, and any response to the RFEOI, including an EOI and Fee Proposal submitted by a firm in response to the RFEOI, shall constitute a public document subject to disclosure in accordance with New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (OPRA). Any firm responding to the RFEOI may request that the Authority's Director of Law deem certain information contained in its response to be personal, financial, or proprietary information that is exempt from disclosure under OPRA.

The Authority reserves the right to make the determination regarding what is proprietary or confidential and will advise the winning bidder/proposer accordingly. The Authority will not honor any attempt by a winning bidder/proposer to designate its entire proposal as proprietary or confidential and will not honor a claim of copyright protection for an entire proposal. In the event of any challenge to the winning bidder's/proposer's assertion of confidentiality with which the Authority does not concur, the bidder/proposer shall be solely responsible for defending its designation.

Subsection C2

Mandatory Equal Employment Opportunity Language

N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127)

N.J.A.C. 17:27 et seq.

Goods, General Services, and Professional Services Contracts

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

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

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

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

The consultant or subconsultant agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. l7:27-5.2.

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

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

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

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

- Letter of Federal Affirmative Action Plan Approval.
- Certificate of Employee Information Report; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at: http://www.state.nj.us/treasury/contract_compliance.

The consultant and its subconsultants shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be request-ed by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

Subsection C3

State Consultant Political Contributions Compliance

N.J.S.A. 19:44A-20.25 (P.L. 2005, c.51) superseding Executive Order 134 (2004), The Elections Transparency Act," P.L. 2023, c.30, and Executive Order 333 (2023 Murphy)

Election Transparency Act, P.L. 2023, c. 30; Fair and Open Exception

In accordance with the Elections Transparency Act, P.L. 2023, c. 30 (the "Act"), effective January 1, 2023, all contracts awarded by the Authority pursuant to a fair and open process as defined in the Act are no longer subject to the political contributions proscription that prohibited a contract award if certain reportable contributions were solicited or made by a potential contract awardee. The Authority has determined that this procurement meets the requirements of a fair and open process and, accordingly, any such solicited or reportable contributions made by any proposer submitting a proposal will not prohibit any contract award thereto if such proposer is deemed the successful proposer.

Annual Report of Contributions to the Election Law Enforcement Commission

All Business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of $50,000.00 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

Breach of Terms of Government Contract

It shall be a breach of the terms of the OPS for the Business Entity to (i) make or solicit a contribution in violation of the Act, (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions (through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate of holder of the public office of Governor or Lieutenant Governor; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the Business Entity itself, would subject that entity to the restrictions of the Act; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of the Act; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of the Act.

Subsection C4
Right to Audit

Pursuant to N.J.A.C. 17:44-2.2, the New Jersey Office of the State Comptroller (OSC) has the authority to audit or review contract records, as follows:

a. Relevant records of private vendors or other persons entering into contracts with covered entities, including the Authority, are subject to review by the OSC pursuant to N.J.S.A. 52:15C-14(d).

b. Any Consultant awarded a contract shall maintain all documentation related to products, transactions, or services under this contract for a period of five (5) years from the date of final payment. Such records shall be made available to the OSC upon request.

Subsection C5
Antidiscrimination Provisions

In accordance with N.J.S.A. 10:2-1 every contract for or on behalf of the State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees that:

a. In the hiring of persons for the performance of work under this contract or any subcontract hereunder, or for the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under this contract, no consultant, nor any person acting on behalf of such consultant or subconsultant, shall, by reason of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex, discriminate against any person who is qualified and available to perform the work to which the employment relates;

b. No consultant, subconsultant, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee engaged in the performance of work under this contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under such contract, on account of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex;

c. There may be deducted from the amount payable to the consultant by the contracting public agency, under this contract, a penalty of $50.00 for each person for each calendar day during which such person is discriminated against or intimidated in violation of the provisions of the contract; and

d. This contract may be canceled or terminated by the contracting public agency, and all money due or to become due hereunder may be forfeited, for any violation of this attachment of the contract occurring after notice to the consultant from the contracting public agency of any prior violation of this attachment of the contract.

Subsection C6
Standards Prohibiting Conflicts of Interest
Executive Order 189 (1988 - Kean)

Pursuant to N.J.S.A.52:34-19 and Executive Order 134 (1976 - Byrne), Executive Order 189 (1988 - Kean) includes the following prohibitions on any vendor which provides or offers or proposes to provide goods or services to or perform any contract for the State of new Jersey or any State agency.

a. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b. and e., in the Department of the Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i., of any such officer or employee, or any partnership, Firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.

b. The solicitation of any fee, commission, compensation, gift, gratuity, or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.

c. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, Qualified Firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality, or appearance of a conflict of interest.

d. No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

e. No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the vendor or any other person.

f. The provisions cited above in paragraph 3a. through 3e. shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate under paragraph 3c.

Subsection C7

ADA Indemnification Act

The provisions of Title II of the Americans with Disabilities Act of 1990 (the "Act") (42 U.S.C. §12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereunto, shall be a part of any OPS awarded under pursuant to this RFEOI. In providing any aid, benefit, or service on behalf of the Authority pursuant to any such OPS, the consultant agrees that the performance shall be in strict compliance with the Act. In the event that the consultant, its agents, servants, employees, or subconsultants violate or are alleged to have violated the Act during the performance of any OPS awarded pursuant to this RFEOI, the consultant shall defend the Authority in any action or administrative proceeding commenced pursuant to this Act. The consultant shall indemnify, protect, and save harmless the Authority, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, or whatever kind or nature arising out of or claimed to arise out of the alleged violation. The consultant shall at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the Authority grievance procedure, the consultant agrees to abide by any decision of the Authority that is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Authority or if the Authority incurs any expense to cure a violation of the Act which has been brought pursuant to its grievance procedure, the consultant shall satisfy and discharge the same at its own expense.

The Authority shall, as soon as practicable after a claim has been made against it, give written notice thereof to the consultant along with full and complete particulars of the claim. If any action or administrative proceedings is brought against the Authority or any of its agents, servants, and employees, the Authority shall expeditiously forward or have forwarded to the consultant every demand, complaint, notice, summons, pleading, or other process received by the Authority or its representatives. It is expressly agreed and understood that any approval by the Authority of the services provided by the consultant pursuant to any contact awarded pursuant to this RFEOI will not relieve the consultant of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the Authority pursuant to this attachment. It is further agreed and understood that the Authority assumes no obligation to indemnify or save harmless the consultant, its agents, servants, employees and subconsultants for any claim that may arise out of their performance of any OPS awarded pursuant to this RFEOI. Furthermore, the consultant expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the consultant's obligations assumed

in any OPS awarded pursuant to this RFEOI, nor shall it be construed to relieve the consultant from any liability, nor preclude the Authority from taking any other actions available to it under any other provisions of any OPS awarded pursuant to this RFEOI or otherwise at law.

Subsection C8

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

Pursuant to N.J.S.A. 34:11-56.1 et seq. (P.L. 2018, c. 9), also known as the Diane B. Allen Equal Pay Act, which was signed in to law by Governor Phil Murphy on April 24, 2018, a consultant performing "qualifying services" or "public work" to the State or any agency or instrumentality of the State shall provide the Commissioner of Labor and Workforce Development a report regarding the compensation and hours worked by employees categorized by gender, race, ethnicity, and job category. For more information and report templates see https://nj.gov/labor/equalpay/equalpay.html

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

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

Subsection C9

Warranty by Contractor of No Solicitation on Commission or Contingent Fee Basis

N.J.S.A. 52:34-15 (P.L. 1954, c. 48, § 10)

Every contract or agreement negotiated, awarded or made pursuant to N.J.S.A. 52:34-15 shall contain a suitable warranty by the contractor that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business, for the breach or violation of which warranty the State shall have the right to annul such contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage or contingent fee.

Subsection C10

Prompt Payment Act

N.J.S.A. 2A:30A

All payments pursuant to this contract shall be made in accordance with N.J.S.A. 2A;30A-1 et seq. Pursuant to the New Jersey Prompt Payment Act, N.J.S.A. 2A:30A-1 et seq., payment to the Successful Qualified Firm under any contract awarded pursuant to this RFEOI shall be processed and paid as follows:

1. All consultant bills shall be deemed approved and certified for payment 20 days after the receipt unless before the end of the 20-day period a written statement of the amount withheld and the reason for withholding payment is provided.
2. If the billing is approved, the bill shall be paid in the Authority's subsequent payment cycle.

Any dispute resolution will adhere to the provisions of N.J.S.A. 2A:30A-2(f).

Subsection C11

Code of Ethical Standards

The Authority has promulgated a Code of Ethical Standards pursuant to the laws of the State of New Jersey, a copy of which is available on the State of New Jersey website at https://www.state.nj.us/ethics/docs/ethics/uniformcode.pdf. By submitting an Expression of Interest and Fee Proposals, the Successful Firm will be subject to the intent and purpose of said the Code and to the requirements of the State Ethics Commission.

Subsection C12

Small Business Enterprise and Disabled Veteran-Owned Business Programs

Small Business Enterprise Program

It is the policy of the New Jersey Turnpike Authority (the "Authority") that Small Business Enterprises ("SBE"), as determined and defined by the Division of Revenue and Enterprise Services ("Division") and the Department of the Treasury ("Treasury") in N.J.A.C. 17:13-1.1, have the opportunity to compete for and participate in the performance of consultant services. The Authority seeks participation of these SBEs in the performance of certain Orders for Professional Services (OPS). At the time of submission of its Expression of Interest, the firm must include either (1) evidence of the use subconsultants who are registered with the Division as an SBE and whose collective participation in performance of subconsultant services meets or exceeds the goal of at least twenty-five percent (25%) of the total value of any OPS awarded pursuant to this RFEOI, or (2) demonstration of a good faith effort to meet the goal of awarding at least twenty-five percent (25%) of the total value of the OPS to subconsultants who are registered with the Division as an SBE.

During this procurement, as part of the fee negotiation process, firms must submit proof of their subconsultants' SBE registration(s). In the event that, prior to the time of award, a firm has not demonstrated to the Authority's satisfaction, that good faith effort was made to accomplish the above stated goal, the Authority is precluded from awarding the firm the OPS in accordance with N.J.A.C. 17:13-4.2.

After award of the OPS, in order for the Authority to monitor and report SBE participation during the course of the OPS pursuant to N.J.A.C. 17:13-1.1 et seq., the selected firm (the "Consultant") shall submit evidence of SBE participation in a form acceptable to the Authority, with each invoice for payment. Invoices for payment submitted without the completed SBE Form will not be processed.

If a Consultant, at any time during the course of an OPS, and for any reason, intends to make any additions, deletions, or substitutions of the SBE subconsultants listed on the SBE/DVOB Utilization form submitted to the Authority, the Consultant shall submit such proposed changes for approval. Any such proposed changes must comply with the requirements and procedures set forth herein.

A firm submitting a proposal shall take the following action, in accordance with N.J.A.C. 17:13-4.3, in establishing a "good faith effort" to solicit and award subconsultant contracts to eligible SBEs:

1. Firm shall attempt to locate qualified potential SBE subconsultants.
2. Firm shall request a listing of small businesses from the Division and the Authority, if none are known to the firm submitting a proposal.
3. Firm shall keep specific records of its efforts, including the names of businesses contacted and the means and results of such contacts, including receipts from certified mail and telephone records.
4. Firm shall provide all potential SBE subconsultants with detailed information regarding the solicitation, project description and specifications, including proof of advertisements in general circulation media, professional service publications and minority and women focus media.
5. Firm shall attempt, wherever possible, to negotiate lower prices with potential SBE subconsultants that submit higher than acceptable fee estimates.
6. Firm shall provide evidence of efforts made to identify work categories capable of being performed by SBEs; and
7. Firm shall provide evidence of efforts made to use the services of available community organizations, consultant groups, and local, State, and federal agencies that provide assistance in the recruitment and placement of SBEs.

The Successful Qualified Firm shall maintain adequate records to document its efforts and shall provide same to the Authority upon request.

Disabled Veteran Owned Business Enterprise Program

It is the policy of the New Jersey Turnpike Authority ("Authority") that Disabled Veteran Owned Business Enterprises (DVOBs), as determined and defined by the Division of Revenue and Enterprise Services ("Division") and the Department of Treasury

("Treasury") in N.J.A.C. 17:14-1.1, have the opportunity to compete for and participate in the performance of consultant services. The Authority seeks participation of these DVOBs in the performance of certain Orders for Professional Services (OPS). The firm's Expression of Interest must include either (1) evidence of the use of subconsultants who are registered with the Division as a DVOB, and whose collective participation in performance of subconsultant services meets or exceeds the goal of at least three percent (3%) of the total value of any OPS awarded pursuant to this RFEOI or (2) demonstration of a good faith effort to meet the goal of awarding at least three percent (3%) of the total value of the OPS to subconsultants who are registered with the Division as a DVOB.

During the Expression of Interest portion of this procurement, as part of the fee negotiation process, firms must submit proof of their subconsultants DVOB registrations. In the event that, prior to the time of award, a firm has not demonstrated, to the Authority's satisfaction, that a good faith effort was made to accomplish the above stated goal, the Authority is precluded from awarding the firm the OPS in accordance with N.J.A.C. 17:14-4.2.

After award of the OPS, in order for the Authority to monitor and report DVOB participation during the course of the OPS pursuant to N.J.A.C. 17:14-1 et seq., the selected firm (the "Consultant") shall submit evidence of DVOB participation in a form acceptable to the Authority, with each invoice for payment. Invoices for payment submitted without the completed DVOB Form will not be processed.

If a Consultant, at any time during the course of an OPS, and for any reason, intends to make any additions, deletions, or substitutions of the DVOB subconsultants listed on the SBE/DVOB Utilization form submitted to the Authority, the Consultant shall submit such proposed changes for approval. Any such proposed changes must comply with the requirements and procedures set forth herein.

A firm submitting a proposal shall take the following action, in accordance with N.J.A.C. 17:14-4.3, in establishing a "good faith effort" to solicit and award subconsultant contracts to eligible DVOBs:

1. Firm shall attempt to locate qualified potential DVOBs.
2. Firm shall consult the DVOB Database if no DVOBs are known to the firm.
3. Firm shall keep all documentation of its efforts, including the names of businesses contacted and the means and results of such contacts; and
4. Firm shall provide all potential subconsultants with detailed information regarding the specifications.

The Successful Qualified Firm shall maintain adequate records to document its efforts and shall provide same to the Authority upon request.

Subsection C13
Standard Supplemental Forms to be Submitted

Qualified Firms shall submit the following completed, executed forms at the time of submission of their Expression of Interest. Except for the SBE/DVOB Utilization form, this requirement applies to all subconsultants as well. The following forms are available at https://www.njta.gov/ under *Doing Business, Engineering Professional Services, PS Supplemental Forms.*

Forms that Shall be Submitted with the Expression of Interest:

a. Affidavit of Eligibility/Disclosure of Material Litigation

A completed Affidavit of Eligibility/Disclosure of Material Litigation form for review by the Authority's legal counsel shall be submitted by firms at the time of submission of their Expression of Interest for each firm, each member of a joint venture and all subconsultants. Each firm, each member of a joint venture and all subconsultants shall certify that it is not suspended, disbarred, or disqualified from bidding on any state or federal contracts. Furthermore, no litigation shall be pending or brought against the firm that could materially affect its ability to perform the OPS described herein. Each firm shall submit a description of all litigation pending, threatened, or brought against it, including any litigation against its owners and/or principals; and shall also submit a description of any enforcement actions or penalties pending or assessed by any regulatory agency having jurisdiction over permit compliance, worker health and safety, or labor laws.

b. Small Business Enterprise/Disabled Veteran Owned Business

Firms shall submit a Small Business Enterprise/Disabled Veteran Owned Business (SBE/DVOB) Utilization form at the time of submission of their Technical and Fee Proposals In accordance with the Authority's SBE/DVOB Programs.

c. Source Disclosure Certification

Pursuant to N.J.S.A. 52:34-13.2 (Executive Order 129 (2004)), the Authority must consider the requirements of New Jersey's contracting laws, the best interests of the State of New Jersey and its citizens, as well as applicable federal and international requirements.

The Authority shall insure that all Firms seeking to enter into any contract in which services are procured on its behalf must disclose:

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

ii. Any subcontracting of services under the contract and the location by country where the subcontracted services will be performed.

This information must be disclosed on the Vendor Source Disclosure Form – N.J.S.A. 52:34-13.2 (Executive Order 129 (2004)), which is available on the Authority's website and returned with your Firm's Expression of Interest (EOI).

d. Ownership Disclosure Form

Pursuant to N.J.S.A. 52:25-24.2, prior to the receipt of the proposal or accompanying the proposal, every corporation or partnership or limited liability company submitting a proposal shall submit a statement setting forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. If one or more such stockholder or partner or member is itself a corporation or partnership or limited liability company, the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established in this act, has been listed.

To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest

Each Qualified Firm shall submit a completed Ownership Disclosure form with the Technical and Fee Proposals.

e. Set-Off for State Sales Tax

Pursuant to P.L. 1995, c. 159, effective January 1, 1996 and codified at N.J.S.A. 59:49-19 and N.J.S.A. 59:49-20, and notwithstanding any provision of law to the contrary, whenever any taxpayer, partnership or S corporation under contract to provide goods or services or construction projects to the State of New Jersey or its agencies or instrumentalities, including the legislative and judicial branches of State government, is entitled to payment for those goods and services or construction projects, at the same time a taxpayer, partner or shareholder of that entity is indebted for any State tax, the Director of the Division of Taxation shall seek to set off that taxpayer's, partner's or shareholder's share of the payment of that indebtedness. The amount set off shall not allow for the deduction of any expenses or other deductions that might be attributable to the taxpayer, partner or shareholder subject to set-off.

The Division of Taxation may initiate procedures to set off the tax debt of a specific vendor upon the expiration of ninety (90) days after either the issuance by the Division of a notice and demand for payment of any state tax owed by the

taxpayer or the issuance by the Division of a final determination on any protest filed by the taxpayer against an assessment or final audit determination. A set-off reduces the contract payment due to a vendor by the amount of that vendor's state tax indebtedness or, in the case of a vendor-partnership or vendor-S corporation, by the amount of state tax indebtedness of any member-partner or shareholder of the partnership or S corporation, respectively. N.JA.C. 18:2-8.3.

The Director of the Division of Taxation shall give notice of the set-off to the taxpayer, partner or shareholder and shall provide an opportunity for a hearing within thirty (30) days of such notice under the procedures for protests established under N.J.S.A. 54:49-18. No requests for conference, protest, or subsequent appeal to the Tax Court from any protest permitted under N.J.S.A. 59:49-19 shall stay the collection of the indebtedness. Interest that may be payable by the State to the taxpayer, pursuant to L.1987, c. 184 (N.J.S.A. 52:32-35), shall be stayed.

Qualified Firms are requested to complete and submit a State Tax Set-Off form.

f. Disclosure of Outstanding Work

Qualified Firms shall complete and submit the Disclosure Forms for the prime and all subconsultants indicating outstanding work with the Authority with their Expression of Interest.

g. Recent Project Experience

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

h. Commitment of Proposed Project Staff

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

i. Certification of Staff Availability

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

Forms that are Requested to be Submitted with the Fee Proposal:

j. Affidavit of Moral Integrity

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

k. Disclosure of Investment Activities in Iran, *N.J.S.A. 52:32-58*

A State agency shall require a person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract to certify, prior to the time a contract is awarded and at the time the contract is renewed, that the person or entity is not identified on the Department of Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f).

The Department of Treasury's Chapter 25 list is found on the State of New Jersey, Department of Treasury, Division of Purchase and Property website at https://www.nj.gov/treasury/purchase/pdf/Chapter25List.pdf. Proposers must review this list prior to completing the certification. If the Authority finds a person or entity to be in violation of the law, such person or entity shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

***Note:** While the Authority acknowledges that, pursuant to N.J.S.A. 52:32-58 et seq. this certification is required prior to award of any contract, the Authority requests that Qualified Firms complete and submit the form entitled "Disclosure of Investment Activities in Iran" at the time of submission of their Fee Proposal.

l. Prohibited Activities in Russia or Belarus**

N.J.S.A. 52:32-60.1 et seq. (P.L. 2022, C.3) (the "Act") states that prior to contract award, the awardee must certify that neither the awardee, nor any of its parents, subsidiaries, or affiliates, have engaged in prohibited activities in Russia or Belarus. However, the enforceability of N.J.S.A. 52:32-60.1 et seq. was challenged in the United States District Court for the District of New Jersey. On December 22, 2023, a company obtained a permanent injunction from the United States District Court, which enjoined the State from enforcing N.J.S.A. 52:32-60.1 on the ground that it would conflict with the existing federal sanctions regime and the United States Constitution's Supremacy Clause.

N.J.S.A. 52:32-60.4 provides that the Act "shall not apply in circumstances when its application would violate federal law." Accordingly, to enforce the Act in a manner consistent with the District Court's decision and federal law, New Jersey deems its list of persons and entities engaging in prohibited activities in Russia or Belarus to consist of all persons and entities appearing on the list of Specially Designated Nationals and Blocked Persons promulgated by the United States Department of Treasury, Office of Foreign Assets Control (OFAC), on account of activity relating to Russia or Belarus. A searchable database of OFAC-listed persons and entities is available here: https://sanctionssearch.ofac.treas.gov/.

Consistent with the District Court's decision, the New Jersey Turnpike Authority has revised its *Certification of Non-Involvement In Prohibited Activities in Russia or Belarus* form. Accordingly, prior to entering into any Agreement(s) hereunder, Successful Proposer(s) shall be required to complete and submit to the Authority the revised *Certification of Non-Involvement In Prohibited Activities in Russia or Belarus form.*

****Note:** While the Authority acknowledges that, pursuant to N.J.S.A. 52:32-60.1 et seq. this certification is required prior to award of any contract, the Authority requests that Qualified Firms complete and submit the form entitled "Certification of Non-Involvement in Prohibited Activities in Russia or Belarus" at the time of submission of their Fee Proposal.

m. Business Registration Certificate***

Proof of valid business registration with the State of New Jersey Department of the Treasury, Division of Revenue and Enterprise Services, shall be submitted by the Successful Qualified Firm prior to award of any OPS pursuant to this RFEOI in the form of a valid Business Registration Certificate (BRC) in compliance with N.J.S.A. 52:32-44, as amended. No OPS shall be awarded without proof of business registration with the Division of Revenue and Enterprise Services. Proposers who are registered can go to https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp to obtain a copy of their BRC. If a Proposer is not registered, it can obtain information for registering its business with the New Jersey Division of Revenue by visiting the following link: https://www.state.nj.us/treasury/revenue/busregcert.shtml. Questions regarding this requirement should be referred to the Division of Revenue hotline @ 609-292- 9292.

A business organization that fails to provide a copy of a business registration as required pursuant to N.J.S.A. 52:32-44 et seq. or that provides false information of business registration, shall be liable for a penalty of $25 for each day of violation, not to exceed $50,000 for each business registration copy not properly provided under a contract with a contracting agency.

****Note**: While the Authority acknowledges that, pursuant to N.J.S.A. 52:32-44 et seq., a BRC is required prior to award of any contract, the Authority requests that Qualified Firms submit their BRCs at the time of submission of their Fee Proposal.

N.J.A.C. 19:9-2.8 Procedure for Prequalification and Award of Contracts for Architectural, Engineering and Land Surveying Services

(a) This section shall apply to contracts for architectural, engineering, and land surveying services that are not subject to N.J.A.C. 19:9-2.2(d), 2.3, or 2.5. The Authority may choose to apply this section to contracts below the public bidding threshold as set forth at N.J.S.A. 27:23-6.1.b in its sole discretion. The Authority may use procurement processes other than those prescribed in this section if those processes have been approved by the Federal government or other State statute, rule, or executive order, or if an emergency has been declared by the Executive Director. In its discretion, the Authority may issue one solicitation for award of contracts for multiple projects that are similar in size and complexity. The prequalification and solicitation process outlined in this section shall be followed, and any multiple-project Requests for Expressions of Interest (RFEOI) shall require proposers to submit EOIs for all projects listed in the solicitation. Under no circumstances will a proposer be awarded more than one contract under a multiple-project solicitation.

(b) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

"Complex procurements" means the process for soliciting professional services having an estimated fee over $6,000,000 or that involve transportation, planning, or complex design.

"Director" means either the Chief Engineer or Director of Operations, depending on whether the contract emanates from the Engineering Department or the Operations Department.

"EOI" means an expression of interest from firms interested in performing professional architectural, engineering, and land surveying services for the Authority.

"Firm" means any individual, firm, partnership, corporation, association, joint venture, or other legal entity permitted by law to provide professional architectural, engineering, or land surveying services in this State.

"Order for professional services" (OPS) means a contract for professional services awarded in accordance with this section.

"Professional services" means architectural, engineering, and land surveying services performed by an architect, engineer, or land surveyor in connection with his or her professional employment practice, and which are subject to N.J.S.A. 52:34-9.1 et seq.

"Simple procurement" means the process for soliciting professional services where the scope is clearly defined, is not likely to change during the course of the professional services, and the estimated fee is $6,000,000 or less. Upon request of the Chief Engineer, based on his or her professional judgment, and with the approval of the Executive Director, a particular procurement otherwise meeting the definition of simple procurement may be classified as a complex procurement.

(c) Professional services prequalification requirements shall be as follows:

1. A firm interested in a contract for professional architectural, engineering, or land surveying services shall complete and file a "Professional Service Prequalification Questionnaire" ("PSPQ") with the Authority. Firms qualified for a particular type of project based on the Authority's evaluation of the PSPQs will be eligible for consideration when such projects are being contracted for by the Authority without having to present their qualifications on a project-specific basis.
2. For the procurement of general consultants, rather than a project-specific procurement, the procedures relating to prequalification of firms may be modified to address the needs and requirements of the Authority.
3. Each firm shall identify on the PSPQ each type of work for which the firm desires prequalification. All PSPQs shall contain the following information:
    i. Current and past professional services undertaken by the firm;
    ii. The nature of the professional services identified in response to (c)3i above;
    iii. The resumes, including the qualifications, of the professionals employed by the firm seeking prequalification;
    iv. For the most current full year accounting cycle, copies of:
        (1) Audited or independent CPA-reviewed financial statements, in which case, the PSPQ may remain current for 24 months; or

(2) Compiled or internally prepared financial statements, in which case, the PSPQ may remain current for 12 months; and

v. Other information which the Authority may determine necessary to assess the firm's qualifications.

4. A firm shall notify the Authority, in writing, of any substantial change in the information on its PSPQ when such change occurs. A firm shall have a current PSPQ on file with the Authority on the date of the Expressions of Interest (EOI) submission in order to be considered for a contract. For purposes of this section, a current PSPQ is one that has been on file with the Authority for no more than 24 months or, in certain cases, for no more than 12 months.

(d) Advertisement for Requests for Expressions of Interest shall be as follows:

1. A Request for EOIs (RFEOI) shall be advertised in an appropriate newspaper or journal, having a large circulation in the State and/or advertised on the Authority's website, https://www.njta.gov/, or through other electronic means. Such advertisements shall be published not less than seven calendar days preceding the date upon which the EOIs are to be received. The RFEOI shall identify the scope of professional services required from the prequalified firms and the evaluation process to be used for the selection of the successful prequalified firm. When the Authority seeks to award more than one contract through a single RFEOI, the number of contracts that the Authority intends to award shall be identified in the RFEOI.
2. When professional services of a general consultant are needed, the Authority shall establish a list of criteria that firms must meet in order to receive an RFEOI for the general consultant contract. Firms that meet such criteria shall be sent an RFEOI.

(e) Evaluation of EOIs shall be as follows:

1. Upon receipt of the EOIs for a simple procurement or complex procurement, the Authority shall review the EOIs for completeness and shall reject those EOIs that are incomplete. The Authority shall notify, in writing, all firms whose EOIs are determined to be incomplete. If fewer than three EOIs are deemed complete, the EOI solicitation may be re-solicited, with or without modification, or the procurement may continue with fewer than three firms, as determined by the Executive Director, in consultation with the Director.
2. For simple procurements, if the EOIs are deemed complete in accordance with (e)1 above, the Technical Review Committee shall evaluate and rank the EOIs in accordance with (e)4 below, and request a fee proposal from the top three technically ranked firms, or from less than three firms, as the case may be, in accordance with (e)1 above. At the discretion of the Director, fee proposals may be requested from more than three firms. No firms shall be told of their ranking position at that time. The selection process shall continue in the manner described at (g) below. If a particular simple procurement warrants, the Director may elect to issue a Request for Proposal (RFP), and the selection process shall proceed in accordance with the process for complex procurements.
3. For complex procurements, if five or more EOIs are deemed complete in accordance with (e)1 above, the Technical Review Committee shall evaluate the EOIs in accordance with (e)4 below. If at least three, but not more than four, EOIs are deemed complete, these firms need not be evaluated pursuant to (e)4 below, but shall receive the RFP. If less than three EOIs are deemed complete, complex procurements shall proceed in accordance with (e)1 above.
4. Except as otherwise provided at (e)3 above, the EOIs shall be ranked by the Technical Review Committee on the basis of numerical scores resulting from weighted rating factors. In ranking the EOIs, the Technical Review Committee shall consider criteria contained in the RFEOI, including, but not limited to:

i. Experience of the qualified firm on similar projects or professional services on similar assignments;

ii. Experience of the project manager or resident engineer on similar projects;

iii. Key personnel's qualifications and relevant experience;

iv. Understanding of the project and the Authority's needs;

v. Approach and methodology in performing the professional services required;

vi. Commitment and ability to perform the proposed work and any outstanding work with the Authority;

vii. Commitment to quality management;

viii. Attainment of Small Business Enterprise (SBE) and Disabled Veteran-Owned Business (DVOB) goals; and

ix. Any other factors specified in the Authority's EOI solicitation.

(f) Requests for Proposals (RFPs) shall be evaluated as follows:

1. Responses to the RFP shall be comprised of the technical proposal and fee proposal. The qualified firms receiving the RFP shall be directed to submit a detailed fee proposal in a separate sealed envelope at the time of submission of the technical proposal.
2. The Technical Review Committee shall evaluate the technical proposals submitted to the Authority. The Technical Review Committee shall rank the technical proposals on the basis of numerical scores using the rating criteria specified in the RFP. The relative weight attributed to each rating factor and the methodology for ranking firms shall be set forth in the RFP.
3. The Technical Review Committee may require an interview and/or presentation by the qualified firms with the highest ranked proposals. The Director, in his or her discretion, may waive this requirement for a particular project. Subsequent to the interview and/or presentation, the Technical Review Committee shall revisit its technical ranking of the qualified firms, re-score as appropriate, and shall thereupon recommend the highest ranked qualified firms to the Director, or the Executive Director if the Director was a member of the Technical Review Committee.

(g) Cost negotiation and final selection shall be as follows:

1. For all projects, upon reviewing the Technical Review Committee's recommendation, the Director or the Executive Director, as the case may be, shall either concur with the selections or direct the Technical Review Committee to pursue additional evaluation measures, consistent with the EOI solicitation or RFP, as the case may be, which shall be specified, in writing, by the Director or the Executive Director.
2. Once the selections are approved, the selected qualified firms' fee proposals will be reviewed by the Technical Review Committee. The Executive Director may add one or more persons to the Technical Review Committee to assist in the negotiation process. Using all fee proposals and the engineer's estimate as a guideline, the Technical Review Committee shall negotiate a fair and reasonable fee with the highest technically ranked qualified firm, taking into consideration all relevant factors, including, but not limited to, the estimated value of the services to be rendered and the scope, complexity, and professional nature thereof. If the Technical Review Committee is unable to negotiate a fair and reasonable fee with the highest technically ranked qualified firm, it shall formally terminate negotiations and undertake negotiations with the second highest technically ranked qualified firm. Failing accord with the second highest technically ranked qualified firm, the Technical Review Committee shall formally terminate negotiations and undertake negotiations with the third highest technically ranked qualified firm. If the Technical Review Committee is unable to negotiate successfully with any of the three highest technically ranked qualified firms, it shall negotiate with the next-highest technically ranked qualified firms, in order of their competence and qualifications and it shall continue negotiations in accordance with the procedure set forth in this section until an agreement is reached. The Executive Director, upon consultation with the Director, may direct the Technical Review Committee to re-solicit the contract. Once a final fee is agreed upon, the Technical Review Committee shall make its recommendation to the Director.
3. The Technical Review Committee, in consultation with the Director, shall prepare a written report outlining its recommendations and activities in reviewing, negotiating, and selecting the recommended qualified firm(s). The Director shall submit the Technical Review Committee's report to the Executive Director.
4. If the Executive Director concurs with the recommendation, the Executive Director shall recommend, to the Board, in writing, that the qualified firm(s) be awarded an Order for Professional Service.
5. If the Executive Director is not satisfied with the recommendation, he or she may:
   i. Instruct the Technical Review Committee to submit further support for its recommendation;
   ii. Direct the Technical Review Committee to re-negotiate the fee; or
   iii. Instruct the Director to re-solicit the contract.