

April 14, 2026

To: ALL QUALIFIED FIRMS

Subject: REQUEST FOR EXPRESSIONS OF INTEREST
ORDER FOR PROFESSIONAL SERVICES NO. A4354
ON-CALL PROFESSIONAL TRAFFIC ENGINEERING CONSULTANT SERVICES

Enclosed (See Attachment A) herewith is a Request for Expressions of Interest (“RFEOI”) by the New Jersey Turnpike Authority (Authority) for professional engineering services required. The work to be performed will consist of a variety of tasks, on an On-Call basis, related to traffic safety and roadway improvements, transportation planning and modeling, congestion management and intelligent transportation systems. In accordance with N.J.A.C. 19:9-2.8(b), this Order for Professional Services (“OPS”) is considered a Simple 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 Code(s)	Description(s)
A500	Traffic Control Systems
D492	Traffic Engineering: Data Collection and Demand Modeling

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 prior to submission of the EOI. 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 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 B3). *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 12), “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. 19:44-20.26 (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 and Fee Proposal Submission Requirements (Subsections A1 and A2)

- ATTACHMENT B: Procurement Information and Scope of Services (Subsections B1 through B3).
- 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

This solicitation is for professional services required to provide an On-Call Traffic Engineering Consultant who will be required to provide a variety of task-oriented work assignments of various lengths and scopes during the term of the Order for Professional Services (OPS), subject to the availability of funding. The OPS will be awarded in the amount of \$4,000,000.00 for a two (2) year term.

The firm must possess overall experience in traffic engineering, transportation planning, civil engineering, and transportation systems management. The firm must also have a working knowledge of toll road engineering and toll road operations.

The services pertaining to each of the individual task assignments will often need to be performed on short notice and completed within a short time frame. The consultant must be willing to devote the necessary resources to satisfy the Authority's needs relative to all such requirements.

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.

If there are any questions or issues related to Kiteworks, please contact Mya D'Angelo via e-mail at mdangelo@njta.gov and copy Philip Lehman at lehman@njta.gov. The subject line should read "OPS No. A4354, 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)** copies of their Expression of Interest (EOI), no later than **10:00 AM on May 5, 2026** as follows: **One (1) PDF** copy uploaded to the "EOI" folder on **Kiteworks** in accordance with the following naming convention: "OPS No. A4354_EOI_Qualified Firm Name"; and **four (4)** hard copies of the EOI shall be delivered to the Authority's Headquarters, clearly marked with the Qualified Firm's name and the words, "**EOI - OPS No. A4354**", 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 by conference call only. Conference call details are 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 EOI opening and shall remain open until all submitted proposer firm names have been read.

PDF EOI Submissions: – Email Mya D’Angelo at mdangelo@njta.gov and copy Philip Lehman at lehman@njta.gov for access to the Kiteworks OPS A4354 EOI File.

Expressions of Interest shall be delivered/addressed as follows:

Hand or Overnight Delivery

New Jersey Turnpike Authority
1 Turnpike Plaza
Woodbridge, NJ 07095
Attn: Operations Department
Mr. Kevin Dunn, P.E, Director of Operations

U.S. Mail

New Jersey Turnpike Authority
P.O. Box 5042
Woodbridge, NJ 07095-5042
Attn: Operations Department
Mr. Kevin Dunn, P.E, Director of Operations

Inquiries

Inquiries pertaining to this RFEOI are to be directed in writing to Kevin Dunn, via e-mail to kdunn@njta.gov, with a copy to Veronica Wall at vwall@njta.gov, Mya D’Angelo at mdangelo@njta.gov, and Philip Lehman at lehman@njta.gov. The subject line should read “OPS No. A4354, EOI Inquiry”. **The deadline for inquiries is April 24, 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 April 28, 2026.**

Qualified Firms will be responsible for submitting their EOIs 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.

The Technical Review Committee shall rank each Qualified Firm’s EOI on the basis of numerical scores using the eight (8) rating factors and relative weights specified below, in accordance with N.J.A.C. 19:9-2.8(e), and 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	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 Manager 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

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 attached organizational chart and resumes identify the person(s), or subconsultant(s), responsible for each division of the assignment and their relevant experience.

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.

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 should also discuss project management items, including deliverables such as invoicing.

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.

➤ 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.

➤ 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 & 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 & 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
(OPS)

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 Simple procurements (which is available on the Authority's website at <https://www.njta.gov/business-hub/supplemental-forms/>).

Very truly yours,

ORIGINAL SIGNED BY

Kevin Dunn, P.E.
Director of Operations

c: Veronica Wall
Mya D'Angelo
Philip Lehman
Review Committee
File

ATTACHMENT A

Expressions of Interest and Fee Proposal Submission Requirements

Subsection No. and Title

- A1. Expressions of Interest Submission Requirements
- A2. Fee Proposal Submission Requirements

Subsection A1

Expression of Interest Submission Requirements

The EOI submission is limited to a maximum of **twelve (12)** pages. This page limitation does not include the documents listed in Items 3-5 below. Only 8.5x11 letter-sized pages are permitted unless otherwise noted below.

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

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

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

2. **Resumes (up to 7 pages):** Each resume for the Project Manager, Key Personnel team members, and proposed subconsultants should be on one (1) single-sided page. 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 fold out page is permitted.
4. **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 4(c) above will add an additional eight (8) single-sided, letter-sized pages for alternate staff, thus increasing the maximum page allowance to twenty (20) pages (not including Items 3-5).

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.

5. 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.

Subsection A2
Fee Proposal Submission Requirements

Following a review of the submitted EOIs, the Authority will request Fee Proposal(s) from the top three (3) (or more), technically ranked Qualified Firm(s).

Due to the On-Call nature of the assignment, the Consultant shall submit the firm's multiplier to be used in calculating the fee associated with the individual task assignments and a list of all personnel that may be utilized with their hourly rates and ASCE Technical Grades.

The fee for each task will be negotiated with the Successful Qualified Firm and 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), and as modified by the Qualified Firm, to account for all required services. Salaries will be escalated as follows:

- 3% annually after month 13 from the anticipated start date of the OPS

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 each Work Request Authorization Form.

The Successful Qualified Firm is responsible for managing the assignment, adhering to the number of hours, salary rates and personnel, as proposed in each task proposal.

Direct expenses shall include approved subconsultant services, mileage, test pits, firm-invoiced printing of phase submission documents, final documents, final plans in .PDF format, meeting displays/exhibits, and permit application fees. Mileage will be paid at the prevailing federal mileage rates (www.irs.gov). Mileage will be reimbursed for travel between the Qualified Firm's local office and the worksite, 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 Authority. The 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 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 Firm will not be reimbursed for overnight delivery charges. This shall also apply to the Firm's subconsultants and subcontractors.

Please note there are several Forms as set forth in Attachment C (Subsection C13) that are requested to be submitted with the Fee Proposal.

ATTACHMENT B
Supplemental Information

Subsection No. and Title

- B1 OPS Procurement Schedule and Anticipated OPS Project Schedule
- B2. Scope of Services
- B3. Qualified and Eligible Firms

Subsection B1

OPS Procurement and Project Schedule

Request for Expressions of Interest Posted.....	April 14, 2026
Deadline for Written Inquiries	April 24, 2026
Posted Responses to Inquiries	April 28, 2026
Deadline for Submittal of Expressions of Interest	May 5, 2026
Recommendation to Award OPS.....	June 2026

Anticipated OPS Schedule

Notice to Proceed.....	July 2026
Completion of Services	July 2028
Administration Project Closeout	August 2028

Subsection B2 **Scope of Services**

Introduction

During the course of the next two years, the NJTA's Operations Department expects to engage a qualified firm on an on-call basis to provide a wide range of traffic engineering and transportation planning services. General consulting services will be required to provide a variety of task-oriented work assignments of various lengths and scopes during the period of engagement. It is anticipated that the following types of studies and work assignments will be initiated by the Operations Department in the next two years:

- a. Traffic Safety and Roadway Improvements
- b. Traffic Control Device Upgrades
- c. Maintenance and Protection of Traffic Systems
- d. Transportation Planning and Modeling
- e. Congestion Management
- f. Intelligent Transportation System (ITS)
- g. Conceptual Site and Architectural Plans for Parking Facilities
- h. Feasibility Studies for New Facilities
- i. Traffic Control and Devices Survey and Data Collection

General

1. The scope of work includes on-call professional traffic engineering and transportation planning services as described herein, together with providing the necessary personnel, equipment, transportation, and main office facilities to facilitate in every way the performance of such work.
2. Contract services will be performed for a two-year term. The maximum allowable expenditure for the on-call professional service contract awarded will not exceed the amount of \$4,000,000.00.
3. Consulting services will be required to provide a variety of task-orientated work assignments of various lengths and scopes during the period of engagement, subject to the availability of funding. The services comprising each of the individual task assignments often need to be performed on short notice and completed within a short time frame. The Consultants must be able to devote the necessary resources to satisfy the Authority's needs in this regard.
4. Upon notification from the Authority of a need for services, the Consultants shall prepare a proposal describing the scope of work and staffing required for a particular assignment. It is expected that the Consultant's proposal will be received by the Authority within five (5) business days of receipt of the notification.
5. The Consultant's services shall include all field and office work required for all aspects of the work as described herein. The services furnished may include, but not necessarily be limited to, the following items of work:
 - a. Provide general advisory services on traffic engineering and transportation planning related matters.
 - b. Provide assistance to the Authority in the development of short and long-range planning of improvements, including preliminary studies and development of preliminary project scopes and costs thereof.
 - c. Collect and assess traffic engineering data and perform traffic engineering studies.
 - d. Perform traffic modeling analysis.
 - e. Perform and analyze the results of traffic origin/destination, travel pattern and trip characteristics surveys.

- f. Develop conceptual plans and/or site plans, with cost estimates, for traffic control devices and/or facilities.
- g. Analyze toll plaza traffic operations.
- h. Provide studies for traffic engineering safety related matters.
- i. Provide assistance to the Authority in the planning and development of ITS technologies alternatives.
- j. Attend meetings and make formal presentations of Consultant's findings and recommendations to the Authority's Executive Staff and its Commissioners.
- k. Provide on-call supplemental professional staffing upon request to assist the Operations Department in fulfilling its responsibilities to continue to operate and maintain the Authority's roadways.

6. Project Coordination

- a. The Consultants shall coordinate their activities with Authority personnel throughout the course of the contract agreement. Early on the Consultants will establish a means of coordinating and reporting its activities with the Authority's designated liaison to ensure an expeditious exchange of information. The Authority shall be informed a minimum of one week prior of all meetings with outside agencies, state and local government officials and/or groups so that Authority personnel may attend, if necessary.
- b. All correspondence, invoices and transmittals for the project shall be referenced by the Authority's OPS number and the task assignment number.
- c. The Consultants will be responsible to prepare and submit to the liaison a separate monthly progress report and progress schedule indicating percent complete by task, corresponding to the monthly invoice. The progress reports shall include all active and completed assignments and shall indicate by task assignment the percent of work complete, work submittals completed in the last month, work and submittals to be performed, actions/decisions required by the Authority, out-of-scope work performed and the status of each assignment's schedule and budget.

7. Invoicing Requirements

- a. Invoices shall be submitted to and received by the Authority's Finance Department within 20 calendar days of the end of each monthly billing period, with a copy to be sent the Authority's designated liaison with the monthly progress reports. The Consultants shall submit time sheet summaries. Direct expenses including receipts and subconsultants expenditures shall be submitted with each invoice.
 - b. It is the Consultant's responsibility to manage the project to maintain average hourly rates in accordance with each assignment's fee proposal.
 - c. The Consultants shall notify the Authority immediately, if and when the percent fee expended exceeds the assignment percent complete. The Consultants shall implement, at once, the necessary adjustments and/or make recommendations how to alleviate this condition. Failure to do so will put the Consultants at risk of having to absorb any costs he may incur above and beyond the authorized fee.
8. The Consultants shall be responsible for the thorough understanding of the project requirements including any applicable codes and governing regulations. The Consultants shall become familiar with the Authority's procedures, presentation and coordinating requirements necessary for the effective performance of the project.
9. All services provided by the Consultant shall be in accordance with accepted transportation planning and traffic engineering practices, and, where applicable, the Authority standards of quality as may be found in the Authority's

Design Manual, Design Standards, Standard Drawings, Standard Specifications, and New Jersey Turnpike/ Garden State Parkway CADD Standards Manual (available on NJTA Website).

10. A Traffic Control Coordinator (TCC) shall be required where lane and half ramp closings are to be installed by the consultant or vendor as part of design or bridge inspection projects. A TCC will not be required for shoulder closings installed by the consultant or vendor. Refer to Standard Supplementary Specifications 801.04 (Parkway) and 801.07 (Turnpike) for TCC requirements and certification which shall apply to design and bridge inspection assignments involving lane and half ramp closings.

POST DESIGN SERVICES - The Consultant will be responsible for providing post design services as described in the Authority's Procedures Manual (which is available on the Authority's website). It is specifically noted that the Consultant shall be responsible for review of shop drawings and responding to RFIs in accordance with Section 3.4.6 "Post Design Services" including Exhibit 3-9 of the Authority's Procedure's Manual. The Consultant 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.

Subsection B3
Qualified and Eligible Firms

1.	Advantage Engineering Associates, P.C.
2.	AECOM Technical Services
3.	AmerCom Corporation
4.	Artheon, Inc.
5.	AtkinsRéalis USA Inc.
6.	Bowman Consulting Group LTD
7.	CDM Smith Inc.
8.	CME Associates
9.	Dewberry Engineers Inc.
10.	GFT Infrastructure, Inc.
11.	Hardesty & Hanover, LLC
12.	HNTB Corporation
13.	IH Engineers, P.C.
14.	INFOTRAN Engineers & Architects P.C.
15.	Infra Tech Engineering, LLC
16.	Johnson, Mirmiran & Thompson, Inc.
17.	Kimley-Horn and Associates, Inc.
18.	KS Engineers, P.C.
19.	M&J Engineering, P.C.
20.	McCormick Taylor, Inc.
21.	Michael Baker International, Inc.
22.	Mott MacDonald LLC
23.	NAIK Consulting Group, P.C.
24.	NV5, Inc.
25.	Parsons Transportation Group, Inc.
26.	Pennoni Associates, Inc.
27.	Stantec Consulting Services, Inc.
28.	STV Incorporated
29.	T.Y. Lin International
30.	Traffic Planning and Design, Inc.
31.	WSP USA Inc.

ATTACHMENT C
Standard 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*
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 - a. Affidavit of Eligibility/Disclosure of Material Litigation
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 - 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, 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 soliciting Expressions of Interest and Fee Proposals does not, in any manner or form, commit the Authority to award any OPS. The contents of the RFEOI, EOI, and a final negotiated Fee Proposal may become a contractual obligation, if an EOI submitted in response to the RFEOI is accepted, and an OPS is entered into with the Authority. Failure of a firm to adhere to and/or honor any or all of obligations of its response to the RFEOI, including its EOI, may result in rescission of any OPS awarded by the Authority. The Authority shall not be obligated at any time to award any OPS. The Authority reserves the right to accept or reject any or all proposals or to negotiate with any proposer, to waive minor noncompliance, amend or supplement the RFEOI, re-advertise the RFEOI, or abandon a procurement, and/or take such other steps deemed necessary and in the best interest of the Authority, in accordance with applicable law.

Errors or Omissions in RFEOI

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

Dissemination of Information

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

News Releases

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

Public Records

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

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

Subsection C2

Mandatory Equal Employment Opportunity Language

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

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

Goods, General Services, and Professional Services Contracts

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

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

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

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

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

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

The 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 thereto, 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 RFEI will not relieve the consultant of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the Authority pursuant to this attachment. It is further agreed and understood that the Authority assumes no obligation to indemnify or save harmless the consultant, its agents, servants, employees and subconsultants for any claim that may arise out of their performance of any OPS awarded pursuant to this RFEI. Furthermore, the consultant expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the consultant's obligations assumed in any OPS awarded pursuant to this RFEI, nor shall it be construed to relieve the consultant from any liability, nor preclude the Authority from taking any other actions available to it under any other provisions of any OPS awarded pursuant to this RFEI or otherwise at law.

Subsection C8
Diane B. Allen Equal Pay Act

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 RFEI 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 RFEIOI, 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.J.A.C. 18:2-8.3.

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

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

f. 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 <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Proposers must review this list prior to completing the certification. If the Authority finds a person or entity to be in violation of the law, such person or entity shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

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

ATTACHMENT D

**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 (RFEI) 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, 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.