

NOTE: *Highlighted, italicized text* indicates REVISIONS to the version of the NJTA 2004 Standard Supplementary Specifications which existed prior to the issuance of this DCA.

102.09 SUBMITTING PROPOSALS

Replace the eighth bullet item document on the list with the following:

Acknowledgment of compliance of the Public Works Certification as required pursuant to *P.L.1999, C.238, N.J.S.A 34:11-56:50 P.L.2003, C.91, N.J.S.A 34:11-56:48*.

102.11 CAUSES FOR REJECTION

[Include the following with all contracts:]

Replace reason (d) with the following:

- (d) if the Proposal Guaranty is not verified on the internet by one of the Surety Registry Agencies listed in the Authority's Electronic Bidding software.

Replace reason (o) with the following:

- (o) *failure to submit the complete form entitled "Disclosure of Investment Activities in Iran" pursuant to N.J.S.A. 52:32-55.*

102.17 PUBLIC LAW 2005, CHAPTER 51 AND (EXECUTIVE ORDER 134) AND EXECUTIVE ORDER 117

In order to safeguard the integrity of State government procurement by imposing restrictions to insulate the award of State contracts from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof, Executive Order 134 was signed on September 22, 2004 ("EO 134"). The Order is applicable to all State agencies, the principal departments of the executive branch, any division, board, bureau, office, commission within or created by a principal executive branch department, and any independent State authority, board, commission, instrumentality or agency. Executive Order 134 was superseded by Public Law 2005, c.51, signed into law on March 22, 2005. In September 2008, Executive Order 117 was signed and *became become* effective November 15, 2008. It applies to the same government contracting entities subject to Executive Order 134, but extends the political contribution restrictions by expanding the definition of "business entity" to include, for example, more corporate shareholders and sole proprietors. Executive Orders 134 and 117, and Public Law 2005, c.51 contain restrictions and reporting requirements that will necessitate a thorough review of the provisions. Pursuant to the requirements of Public Law 2005, Chapter 51, ("EO 134") the terms and conditions set forth in this subsection and in Appendix B are material terms of any contract resulting from this bid solicitation.

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102.18 DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

New Jersey Public Law 2012, c.25 requires all parties seeking to enter into a contract with the Authority to certify that it is not providing goods or services of \$20,000,000 or more in the energy sector of Iran. Each Bidder shall certify under penalty of perjury, date and return to the Authority the completed form entitled "Disclosure of Investment Activities in Iran" as set forth in the Proposal. Failure to include the completed form, certified and dated, *may shall* be grounds for rejection of Bidder's Proposal.

NOTE: The following language is ADDED to the version of the NJTA 2004 Standard Supplementary Specifications which existed prior to the issuance of this DCA.

102.19 ETHIC STANDARDS (EXECUTIVE ORDER 189)

In the public interest, the Authority may debar a vendor for violation of any of the following prohibitions on vendor activities or for breach of any of the following affirmative obligations:

- (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., to any officer or employee of the Authority 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, special State officer or employee or Authority officer or employee from any vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.
- (C) Unless a waiver has been granted in accordance with (D) below, 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, special State officer or employee or Authority 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, 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.
- (D) Any relationship subject to the provisions of (C) above 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, special State officer or employee or Authority 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.
- (E) No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee, special State officer or employee or Authority 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.
- (F) No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee, special State officer or employee or Authority 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.
- (G) The provisions cited in (A) through (F) above shall not be construed to prohibit a State

officer or employee, special State officer or employee or Authority 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 (C) above.

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105.14 TIMBER GRADING AND CERTIFICATION

All timber used in the design and construction of catches, and/or temporary flooring platforms shall be graded timber and certified by Sawn Lumber Grading Agency agencies certified by the "American Lumber Standard Committee" *Board-of-Review*.

108.03 PARTIAL PAYMENTS

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~~As a result of the American Recovery and Reinvestment Act as well as the State of New Jersey Stimulus Initiatives, Contractors and Subcontractors are required to submit monthly employment and wage data to the State via an automated web based application using electronic Form CC-257R through the New Jersey Portal at <http://www.state.nj.us>~~

~~All employment and wage data must be accurate and consistent with the certified payroll records. The contractor is responsible for ensuring that their subcontractors comply with these reporting requirements. Within five (5) business days of submitting the required data each month, the Contractor shall provide a written statement to the Authority certifying that he and his subcontractors have submitted the required information to the State.~~

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203.03 METHODS OF CONSTRUCTION

(F) Borrow.

Add the following after the second paragraph:

The Contactor shall provide documentation of testing to support the requirement for use of clean fill or certified clean fill for borrow material, as required, under Subsection 203.03. The Contractor shall be responsible for environmental testing of borrow material.

Add the following after the fifth paragraph:

Material composition, quality, and structural characteristics will be approved by the Authority's Engineer prior to acceptance of any borrow material. The Contractor shall utilize clean fill as defined in N.J.A.C. 7:26-1.4.

(1) Certified Borrow Material

If the Contractor obtains clean fill from a certified supplier of borrow material, appropriate documentation, *consisting of a statement that to the best of the affiant's knowledge and belief, the fill being provided is not contaminated and a description of the steps taken to confirm such*, must be obtained and submitted to the Engineer ~~in accordance with N.J.A.C. 7:26E-6.4 (b) 2 vi. (3)~~. If the Contractor obtains borrow

material from a non-certified supplier, the Contractor must satisfy the following "Non-Certified ~~Supplier of~~ Borrow Material" requirements.

(2) Non-Certified Borrow Material

To minimize the potential of introducing contaminated borrow material onto a project site, the Contractor shall verify that the material meets the requirements outlined herein by performing due diligence inquiries and/or having the borrow material analyzed for potential contaminants based on the location and history of the source area.

Undesirable sources of borrow material include former and/or existing commercial and/or industrial sites where hazardous materials were used, handled or stored as part of the business operations, or unpaved parking areas where petroleum hydrocarbons could have been spilled or leaked into the soil. Agricultural areas with former waste processes and/or historical pesticide/herbicide use are also considered an undesirable source.

The Contractor must be aware that borrow material proposed from undesirable source areas will require testing to demonstrate that the material is clean material as defined by the NJDEP. If the use of material from undesirable sources is proposed by the contractor, documentation requirements will be more stringent than would be necessary for material from other sources.

Documentation required to be provided relative to all off-site non-certified borrow material shall include information obtained by the Contractor based on due diligence investigations. Due diligence may include, but not limited to, interviews with past and present owners, operators and occupants, reviews of historical sources of information, reviews of federal, state, tribal and local government records, visual inspections of the facility and adjoining properties, commonly known or reasonably ascertainable information, and degree of obviousness of the presence or likely presence of contamination at the property and the ability to detect the contamination. A due diligent inquiry shall be performed by the Contractor *consisting of the following: as defined by N.J.A.C. 7:26E-1.8.*

- a) *Conducting a diligent search of all documents which are reasonably likely to contain information related to the object of the inquiry, which documents are in such person's possession, custody, or control, or in the possession, custody, or control of any other person from whom the person conducting the search has a legal right to obtain such documents; and*
- b) *Making reasonable inquiry of current and former employees and agents whose duties include or included any responsibility for hazardous substances, hazardous wastes, or pollutants, and any other current and former employees or agents who may have knowledge or documents relevant to the inquiry.*

Documentation to be provided relative to off-site non-certified borrow material shall include detailed information on the previous use of the land from where the borrow material is proposed to be taken; a statement as to whether an environmental site assessment was performed and its findings; and the results of any testing performed. If such documentation is not available or is determined to be inadequate by the Authority, analytical testing protocols in accordance with

applicable NJDEP Guidance documents shall be utilized by the Contractor to confirm the suitability of the borrow material. The level of analysis of the borrow material required by the Authority shall be based on the source of the borrow material and knowledge of the prior land use.

If determined to be necessary by the Authority, the Contractor shall provide documentation and/or a site-specific sampling plan for the analytical testing of borrow material for Authority review and acceptance before sampling. All borrow material sample collection and analysis shall be performed in accordance with the most recent versions of the N.J.A.C. 7:26E Technical Requirements for Site Remediation, NJDEP's Field Sampling Procedures Manual, NJDEP Guidance Document on Contaminated Soil, NJDEP Guidance Document for Waste Classification, and any other local, State and federal requirements.

Bills of Lading

~~*Bills of lading shall be provided to document the source(s) of all borrow material in accordance with N.J.A.C. 7:26E-6.4 (b) 2 vi. 1-2.*~~