

Project # A1322-05

Bulletin A

Revised October 23, 2024

STATE OF NEW JERSEY DEPARTMENT OF TREASURY
DIVISION OF PROPERTY MANAGEMENT AND
CONSTRUCTION PO BOX 034, TRENTON, NJ 08625-0034

PROJECT#: A1322-05

A/E: Gannett Fleming

DATE: 3-10-2025

BULLETIN A

Bidder must acknowledge receipt of this Bulletin on bid form in the space provided therefor.

This Bulletin is issued for the purpose of amending certain requirements of the original Contract Documents, as noted hereinafter, and is hereby made part of and incorporated in full force as part of the Contract Documents. Unless specifically noted or specified hereinafter, all work shall comply with the applicable provisions of the Contract Documents.

A) DIANE B. ALLEN EQUAL PAY ACT

Pursuant to N.J.S.A. 34:11-56.14(b), any employer, regardless of the location of the employer, who enters into a contract with a public body to perform any public work for the public body shall provide to the Commissioner of the New Jersey Department of Labor and Workforce Development, through certified payroll records required pursuant to P.L.1963, c.150 (N.J.S.A. 34:11-56.25 et seq.), information regarding the gender, race, job title, occupational category, and rate of total compensation of every employee of the employer employed in the State in connection with the contract. The employer shall provide the commissioner, throughout the duration of the contract or contracts, with an update to the information whenever payroll records are required to be submitted pursuant to P.L.1963, c.150 (N.J.S.A. 34:11-56.25 et seq.).

Information regarding the Diane B. Allen Equal Pay Act and its requirements may be obtained from the New Jersey Department of Labor and Workforce Development (LWD) web site at:
<https://nj.gov/labor/equalpay/equalpay.html>

LWD forms may be obtained from the online web site at: https://nj.gov/labor/forms_pdfs/equalpayact/MW-562withoutfein.pdf

B) NJ SUPPLIER DIVERSITY MANAGEMENT SYSTEM – B2GNOW

The State of New Jersey has partnered with software firm B2GNow to develop and implement a Supplier Diversity Management System (“SDMS”) which will be used to track spending on all state contracts. As part of implementing the SDMS, all Contractors will have various administrative obligations to use and update the SDMS as follows:

Prime Contractor Responsibilities:

1. The **Prime Contractor** shall create an account on the SDMS, and for this project, the Prime Contractor shall acknowledge payment of any and all invoices by the State. The Prime Contractor shall further require its subcontractors (and all sub-subcontractors) and material suppliers to also create an account in the SDMS.
2. The Prime Contractor shall indicate in the SDMS whenever it pays its direct subcontractors or material suppliers, in such detail as is required. The Prime Contractor shall further require its subcontractors (and all sub-subcontractors) and material suppliers to acknowledge in the SDMS when they get paid by the Prime Contractor, and also indicate when they pay any sub-subcontractors, or lower tier suppliers, in as much detail as is required.
3. The Prime Contractor shall include in its bid price the level of effort needed to comply with the above noted contractual obligations, and shall require the same of its subcontractors. No change orders will be allowed to reimburse for administrative effort to properly use the SDMS.
4. Training for any personnel who are going to be using the SDMS will be provided by B2GNow, at no cost to the Prime Contractor, subcontractors, material suppliers, or to the State. The SDMS website is available at: <https://nj.diversitycompliance.com/?TN=nj>

C) IMPORTANT CONTRACTOR INFORMATION – FEDERAL SYSTEM FOR AWARD MANAGEMENT (SAM REGISTRATION):

In accordance with N.J.S.A. 52:32-44.1, any firm seeking to be awarded a contract shall provide a written certification to DPMC that neither the firm nor the firm's affiliates are debarred at the federal level from contracting with a federal government agency. Please see the attached Certification of Non-Debarment Form to be submitted prior to Contract Award.

In addition, any firm seeking to be awarded a contract must register with the Federal System for Award Management (SAM) prior to contract award. In order to comply with this requirement, firms must register in SAM at <http://www.sam.gov> and DPMC will verify the firm's registration in SAM prior to contract award.

D) EMPLOYEE MISCLASSIFICATION

In accordance with [Governor Murphy's Executive Order #25](#) and the [Task Force's July 2019 Report](#), employers are required to properly classify their employees. Workers are presumed to be employees and not independent contractors, unless the employer can demonstrate all three factors of the "ABC Test" below:

- A. Such individual has been and will continue to be free from control or direction of the performance of such service, but under his or her contract of service and in fact; and
- B. Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all places of business of the enterprise for which such service is performed; and

- C. Such individual is customarily engaged in an independently established trade, occupation, profession or business.

These factors have been adopted by New Jersey under its Wage & Hour, Wage Payment and Unemployment Insurance Laws to determine whether a worker is properly classified. Under N.J.S.A. 34:1A-1.17 to 1.19, the Department of Labor and Workforce Development has the authority to investigate potential violations of these laws and issue penalties and stop work orders to employers found to be in violation of the laws.

E) REVISIONS AND/OR CLARIFICATIONS TO THE DRAWINGS, SPECIFICATIONS AND/OR PROJECT REQUIREMENTS:

1. Zoning compliance for State Owned Property

- a. Case law recognizes that the State has a form of immunity, or exemption from local land use controls when it comes to the use and development of its own property. However, that discretionary authority is not absolute: the freedom to act independent of local land use control may not be exercised in unreasonable ways. Where a facially legitimate public safety concern is raised about an immune entity's planned improvement to lands, which would have a direct impact on non-state-owned property, a judicial finding that a cited public safety concern has been reasonably addressed through the planning for the state agency's improvement shall be a necessary additional requirement before a court may either compel local regulatory action or grant declaratory relief that the planned action is exempt from land use regulation. Therefore, as part of the process, although not a formal zoning submittal to the town, the State shall require the developer to provide for and listen to public comment, to see if any safety concerns are raised.

2. Payment & Performance Bond Submittal Requirement

- a. The State does not expect the payment and performance bonds until the Vendor's subcontractors are determined and actual construction subcontracts are finalized. See 3.3.2 of the T3104 Bid solicitation and Method of Operation VI. (d) for guidance. 3.

3. Liens on State Property

- a. Subordination agreements are not applicable to State property. N.J.S.A 2A:44A-5(b) states: "No liens shall attach nor shall a lien claim be filed...for public works or improvements to real property contracted for and awarded by a public entity..."

4. Schedule to be submitted with Bid Proposal Form

- a. Time is of the essence for most State contracts and the Solar PPA is no exception. Since schedule is an important evaluation factor in determining the best value to the State, we are requesting that a project schedule as described below is to be included with the bid proposal form submittal. The State requires an overall project duration prior to award, to confirm an even playing field when evaluating vendor proposals and have a guaranteed date for savings to commence.

Schedule to be submitted with bid proposal form:

The contractor shall be responsible for preparing and submitting with the bid proposal form a Gantt chart progress schedule constructed using either Microsoft Project or a Microsoft Project compatible software ["Schedule"] for the project.

The Schedule must be furnished with the bid proposal form in paper format, but will be requested as a Microsoft

Project file, if Vendor is found to be one of the top 3 best value vendors.

The Schedule shall fully describe the project work in sufficient detail to satisfy the State. The Schedule must be accurate in its depiction of all project activities including, but not limited to: (tasks not in order)

- i. Execute Site-Specific Contract
- ii. Site Plan Design & Structural Analysis
- iii. Possible courtesy presentation to local zoning board. This will not affect approval.
- iv. Interconnection Agreement (request study-project approval)
- v. Engineering & Design Phasing – schematic / design development / final / permit
- vi. Environmental Permitting
- vii. AHJ Permitting
- viii. Financing and Incentives Processing
- ix. Sub-Station Equipment Procurement
- x. Racking, module and inverter Procurement
- xi. Notice to Proceed
- xii. Racking Installation
- xiii. Module Installation
- xiv. DC & AC Electrical (inverters and wiring)
- xv. Substantial Completion
- xvi. Commissioning and Testing
- xvii. Inspections
- xviii. Meter Installation
- xix. Commercial Operation Date
- xx. Decommissioning Security Task - The requirements for when this is required is outlined in the site specific summary 3.1 L (1 & 2)

The Schedule shall, at a minimum, indicate in suitable detail, all significant features of the work or work activities to be performed, including the placing of orders and anticipated delivery dates for critical items, dates for submissions and approvals, all necessary inspections, the beginning and time duration for all tasks, predecessors and successors for each task, contract milestones, the anticipated Notice To Proceed, the dates of substantial and final completion of the work and significant Agency or State milestones, when applicable.

- b. Refer to the phasing requirements / parking lot availability when generating the schedule for this mini-bid.

5. Bid Bond

- a. Payee on the bid bond shall be: State of New Jersey (Division of Property Management & Construction), 9th Floor, 33 West State Street, PO Box 034, Trenton, NJ 08625-0034.
- b. State of NJ Federal Tax ID # 21-6000928
- c. The AIA-A310 is the form to be used at a bond amount of \$10,000. To comply with other DPMC standards, the Bid bond shall be accompanied by a copy of the power of attorney executed by a surety company or companies. The power of attorney shall set forth the authority of attorney-in-fact who has signed the bond on behalf of the surety company to bind the company and shall further certify that such power is in full force and effect as of the date of the bond. Attorneys-in-fact who sign bid bonds or contract bonds must file a certified power-of-attorney with the state indicating the effective date of that power.

6. DPMC Pre-Qualified Design Consultants and DPMC Classified Contractors
 - a. The use of DPMC Pre-qualified Design Consultants, upon further review, is NOT a requirement in the original RFP and therefore cannot be enforced and/or made mandatory in our mini-bids. It is encouraged and Vendors should have a DPMC Pre-Qualified Design Consultant on the team, due to the familiarity with the DPMC plan review process and requirements.
 - b. The DPMC Classification requirement for Contractors used on the project is as follows: It is mandatory following permitting, the vendor shall submit the names of all contracted DPMC classified contractors that will be used to install the system. Trades requiring named DPMC classified contractors shall be Electrical, Structural Steel, Plumbing, Mechanical & General Construction. Reference 3.1-K(9) in the site specific summary milestones for when this information is required.

7. Site License
 - a. A substitution of the site license for a lease will not be allowed.
 - b. The site license process has been approved by the Attorney General's Office and the details of the license are within the PPA document.
 - c. The rights conveyed within the PPA document associated with this site license will NOT be recorded on the property / title to the premises.

8. Assignment of Site Specific Mini-Bid
 - a. T3104 SOLAR PPA ASSIGNMENT PROCESS (PPA section 16.5.8)

All assignments must be requested in writing and all necessary documentation must be obtained prior to finalizing the assignment request.

ASSIGNMENTS

A Vendor {Contractor} seeking to assign the PPA, (the site specific mini-bid / project to another Vendor {Contractor}, not the Blanket P.O.), must make a written request to DPMC. All requests must be received on the Vendor's {Contractor's} company letterhead and signed by an authorized representative of the Vendor {Contractor}. The letter must state the Assignor's (the original Vendor {Contractor}) name, address, phone number, FEIN/TIN number, and/or the NJSTART Vendor Identification Number. The Assignee's (the proposed new Vendor {Contractor}) name, address, phone number FEIN/TIN number and the NJSTART Vendor Identification Number.

- The Vendor {Contractor} must submit a written request for an assignment of the site specific mini-bid / project. The Vendor {Contractor} is advised that the following information/documents must also be submitted:
 - A completed Assignment Agreement signed by the Assignor and Assignee. If incorporated, the Assignment Agreement must have the corporate seals of the assignor and the assignee. A Corporate Acknowledgement form may be substituted in place of the corporate seal. An Assignment Agreement form must be completed for each site specific mini-bid / project affected by the FEIN number change.
 - Copy of the executed sales agreement or other document reflecting the Assignee's purchase of the Assignor's project.

- Information demonstrating the financial capability of the Assignee must be established by including, but not limited to the following:
 - Two years of certified financial statements that include a balance sheet, income statement and statement of cash flow, and all applicable notes for the most recent two calendar years or the Assignee's two most recent fiscal years.
 - If certified financial statements are not available, either a reviewed or compiled statement from an independent accountant setting forth the same information required for the certified financial statements, together with a certification from the Chief Executive Officer and the Chief Financial Officer, that the financial statements and other information included in the statements fairly present in all material respects the financial condition, results of operations and cash flows of the Assignee as of, and for, the periods presented in the statements.

- The Assignee must also satisfy all the procurement requirements for State contracting i.e., submitting the required forms, certifications, licenses, etc., completed and signed as necessary. The required forms / links and certifications are listed below:
 - Ownership Disclosure Form;
<https://www.state.nj.us/treasury/purchase/forms/OwnershipDisclosure.pdf>
 - Disclosure of Investigations and Actions Involving Bidder Form;
<https://www.state.nj.us/treasury/purchase/forms/DisclosureofInvestigations.pdf>
 - Disclosure of Investments in Iran Form;
<https://www.state.nj.us/treasury/purchase/forms/DisclosureofInvestmentActivitiesinIran.pdf>
 - Proof of Affirmative Action reporting compliance;
https://www.state.nj.us/treasury/purchase/forms/AA_Supplement.pdf
https://www.state.nj.us/treasury/contract_compliance/documents/pdf/forms/a_a302ins.pdf
 - Evidence of a valid Business Registration Certificate with the Division of Revenue (copy of the Business Registration Certificate, a Division of Revenue website printout or NJSTART);
 - MacBride Principles Form;
<https://www.state.nj.us/treasury/purchase/forms/MacBridePrinciples.pdf>
 - Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions. NOTE: Chapter 51 Unit approval must be received prior finalizing the site specific mini-bid assignment;
<https://www.state.nj.us/treasury/purchase/forms/eo134/Chapter51.pdf>
 - Source Disclosure Form, if applicable (to be used where a contract is primarily for services); <https://www.state.nj.us/treasury/purchase/forms/SourceDisclosureCertification.pdf>
 - A performance bond, if applicable;
 - ~~Evidence of Set-Aside compliance~~, not applicable
 - A valid Public Works Contractor Registration issued by the New Jersey Department of Labor and Workforce Development
 - Cooperative Purchasing Form;
<https://www.state.nj.us/treasury/purchase/forms/CooperativePurchasingForm.pdf>
 - Insurance Certificate; and
 - Licenses or Certifications necessary to perform the site-specific mini-bid /project.
 - Relevant documents as may be required through policy changes, executive orders, etc.

- The duration to complete an assignment task by the State depends on the quality of the

submittal. If ALL documents are provided and completed properly, the administrative process by the State should not take more than 30 days to complete.

9. Staging / Laydown Area On-Site

- a. Beyond the work area provided at a given time, vendors will be asked to comment on the amount of space required and submit inquiries during the RFI process. Informal discussions of staging area requirements will take place during the pre-proposal conference. The contractor must return any areas to pre-existing condition following the use of this area for construction staging / laydown / storage.

F) SITE SPECIFIC ATTACHMENTS:

1. ATTACHMENT #1 – Gannett Fleming Solar Drawing
2. ATTACHMENT #2 – Gannett Fleming NWI and Soils Map
3. ATTACHMENT #3 – Gannett Fleming Environmental Desktop Review Memo Sept 17, 2024
4. ATTACHMENT #4 – Sheet E401 Single Line Diagram (M&E Engineering)
5. ATTACHMENT #5 – Sheet L-0607 Standard Under Roadway Conduit Electrical Details
6. ATTACHMENT #6 – Historical Energy Use Data for Site – Jan 1, 2023 – Feb 28, 2025
7. ATTACHMENT #7 - Phase-I Environmental Report
 - Report, Tables and Figures
 - Appendix A - Environmental Professionals(s) Qualifications
 - Appendix B - User Identified Information
 - Appendix C - Photographic Log
 - Appendix D - Environmental Regulatory Database
 - Appendix E - Physical Setting Report
 - Appendix F – Historical Aerial Photographs
 - Appendix G - Historical Fire Insurance Maps
 - Appendix H – City Directory
 - Appendix I - Historic Topographic Maps

G) NOTICE OF POST-BID INTERVIEW:

- a. After the bids are received and opened, Bidders will be shortlisted based on price and other factors and will be invited to attend a Post-Bid Interview at the State's offices at the date, time and location listed herein.
- b. A Post-Bid meeting will be held (tentative and to be confirmed after bids are reviewed):

DATE: TBD TIME: 10:00 AM
LOCATION: DPMC, 20 W State St, Trenton, NJ or Teleconference

END OF BULLETIN A