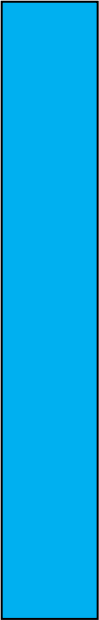


Township of West Orange



Procedure for Administration and Inspection of Federal Aid Projects

April 2024

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Abbreviations

ADA – American with Disabilities Act
CFR- Code of Federal Regulations
CO – Change Order
DBE – Disadvantaged Business Enterprise
ESBE-Emerging Small Business Enterprise
FAA – Federal Aid Agreement
FAR – Federal Acquisition Regulation
FAHP – Federal Aid Highway Program
FHWA – Federal Highway Administration
MPO – Metropolitan Planning Organizational
NEPA – National Environmental Policy Act
NJDOT – New Jersey Department of Transportation
NJDOT-BEPR -New Jersey Department of
Transportation – Bureau of Environmental
Program Resources
LPA – Local Public Agency
NJDOT – BLA- New Jersey Department of
Transportation – Bureau of Local Aid
PS&E – Plans, Specifications & Engineer’s Estimate
QA/QC – Quality Assurance/Quality Control
RC/PM – Responsible Charge/Project Manager
RE – Resident Engineer
RFP – Request for Proposals
ROW – Right of Way
SOW – Scope of Work
Specifications – 2019 New Jersey Department of Transportation Standard Specifications for
Road and Bridge Construction
U.S.C. – United States Codes
Voucher – State of New Jersey Payment Voucher
NJDOT - BLA – New Jersey Department of Transportation - Bureau of Local Aid

1.0 Introduction

Federal Highway Administration (FHWA) provides opportunities for Local Public Agencies such as the Township of West Orange to receive Federal Aid Highway Program (FAHP or Federal Aid) funds through the New Jersey Department of Transportation (NJDOT) and the associated regional Metropolitan Planning Organizational (MPO). In receiving Federal Aid funds, the Township of West Orange is responsible for administering their projects while meeting all Federal requirements. The NJDOT-Bureau of Local Aid, through its Stewardship Agreement with FHWA, is responsible for ensuring that each LPA that receives FHWA funds, is adequately staffed and suitably equipped to undertake and administer Federal Aid projects. Township of West Orange must provide the supervision and inspection required to complete each project in conformance with the approved Scope of Work (SOW), plans and specifications and ensure that all Federal requirements are met. These requirements are set forth in:

- Title 23 United States Code (U.S.C.) –Federal Aid Highways
- 40 USC- Brooks Act- Selection of Architects and Engineers
- Title 40 U.S.C. - Public Buildings, Property and Works
- Title 23 Code of Federal Regulations (CFR) – Highways
- Title 48 CFR – Federal Acquisition Regulations System
- Title 49 CFR -Transportation
- Title 49 CFR-Part 18 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- Uniform Act – Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 USC 4601 and 49 CFR part 24, P.L. 91-646

The purpose of this document is to provide Standard Procedures to be used by Township of West Orange for the Administration of Federally Funded Transportation Projects funded through NJDOT-BLA (Bureau of Local Aid).

2.0 Administrative Responsibilities of Township of West Orange and Responsible Charge

Township of West Orange must designate a Responsible Charge (RC/PM) for each federal aid project by submitting a letter of notification to the NJDOT Local Aid District Office. The RC/PM must be a full-time Township of West Orange employee as required by Title 23 CFR 635.105(c). In addition to being a “full-time” employee of Township of West Orange, the person in “Responsible Charge” (RC) must complete the Rutgers CAIT Responsible Charge Training Course and receive a Certificate of Course Completion. This Certification is valid for a three (3) year period. Responsible Charge candidates with an expired certification must be recertified by completing a Responsible Charge Training Course and obtaining a new course completion certification. The designated employee will be in “responsible charge” of all phases of the Federal Aid Project from project initiation to final payment and closeout. The RC/PM can be, if needed, acting as responsible charge on more than one project, and directing Township of West Orange personnel assigned to specific projects. The RC/PM can work in conjunction with a Resident Engineer but at a minimum, the RC/PM will be responsible for the administration and oversight of the following tasks:

- a. Administers project activities, regarding cost, time, adherence to contract requirements, design and construction quality and scope.
- b. is aware of the qualifications, assignments and on the job performance of agency and consultant staff at all stages of the project.
- c. Reviews financial processes, transactions, and documentation to ensure that safeguards are in place to eliminate the possibility of fraud, waste and abuse.
- d. Either by Township of West Orange staff or with the support of a consulting engineering firm, NJDOT-BLA and NJDOT Bureau of Environmental Program Resources (NJDOT-BEPR), prepares and/or administers the disbursement of National Environmental Policy Act (NEPA) documents and permits, and coordinates with the correspondent agency, state or federal, involved in the preparation and filing of such documents.
- e. Provides review, comments, and final acceptance of all design documents.
- f. Oversees Right-of-Way availability and acquisition during the design phase. Verifies that any ROW acquisition follows approved NJDOT Right-Of-Way procedures and is reviewed by Township of West Orange Counsel. Township of West Orange must use Right-Of-Way procedures that are in conformance with the Uniform Act of 1970 and have been reviewed and approved by NJDOT Right-Of-Way.
- g. Provides coordination with all public and private utilities.
- h. Reviews and concurs with the consultant's construction bid review, analysis, and recommendation. Requests further evaluation from consultant if the recommendation is deemed incomplete.
- i. Verifies that the Form CR-266, CR-272, CR-273, and CR-274 have been submitted to and approved by NJDOT Civil Rights prior to Award of Contract.
- j. Prepares and submits a recommendation of award for approval and resolution of award by Township of West Orange Governing Body or performs this task in accordance with NJDOT BLA approved Township of West Orange procedures.
- k. Works with Township of West Orange Legal Counsel to request Contractor submittal of all legal forms and documents for the preparation of the contract from the contractor for approval and resolution of award by Township of West Orange Governing Body Agenda or performs this task in accordance with NJDOT BLA approved Township of West Orange Procedures.
- l. The pre-construction meeting is scheduled, in coordination with NJDOT-BLA and Township of West Orange, after the contract has been signed.
- m. Notice to Proceed is issued after the pre-construction meeting specifying the start date, the duration of the project as per the specifications and the completion date.

- n. Along with the RE, reviews and approves the Material Questionnaire and submits to NJDOT-BLA. Reviews and approves any changes to Materials and submits revised Material Questionnaire to NJDOT-BLA.
- o. Oversees Construction Contract Administration and Construction Inspection with responsibility to provide final decisions on all issues related to the contract as recommended by the RE and/or design consultant.
- p. Visits and reviews the project site on a frequency appropriate to the complexity of the project and maintains a record of these visits.
- q. Monitors the work zone safety and traffic control and provides comments and revisions to the Resident Engineer/Inspector for immediate action by the Contractor. Maintains familiarity of day-to-day project operations, including project safety issues. At a minimum the RC/PM, requires and confirms that the Resident Engineer does a daily check of the maintenance and protection of traffic control to ensure it is set up as established on the bid documents and requests the Contractor to resolve any non-conformance issues found.
- r. Directs project staff, Township of West Orange or consultant, to carry out project administration and contract oversight, including daily entries documenting all project work.
- s. Ensures that the project receives adequate supervision and inspection to ensure that work is accomplished in conformance with approved plans and specifications.
- t. Verifies Source Documents related to material testing, material certifications, delivery tickets, daily inspection report, DBE/Trainee participation, project completion, project schedules, Buy America and Build America is strictly controlled by the Resident Engineer / Inspector (retained consultant or agency staff). This is to be done under direct supervision of the RC/PM to ensure that all records are properly maintained for the duration of the project. (See sections 5.2, 5.3 and 5.4 for additional information on Source Documentation)
- u. Along with the Resident Engineer, monitors sampling/testing of materials for compliance with mandated requirements. Makes provisions for testing by a certified material testing firm. Material used that does not pass required tests, will be rejected, and shall be replaced at no cost to Township of West Orange.
- v. Makes and/or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements. Immediately notifies NJDOT-BLA of any changes to the project.
- w. Monitors contract time, originally set by the contract documents by comparing the initial construction schedule with progress schedules during construction. Requests for Time extensions, will be evaluated, commented and/or approved and submitted to NJDOT for acceptance as soon as the need for additional time is known.

- x. Ensures that prime contractor is not executing pay items designated for DBE Subcontractor, as approved by NJDOT Civil Rights.
- y. Follows NJDOT Civil Rights process for changing, replacing, substituting, and omitting a DBE from the Project.
- z. Along with the Resident Engineer, monitors and/or completes necessary forms to comply with Wage Rate Compliance and DBE/ training goals set for the project.
- aa. Along with the Resident Engineer, oversees and verifies the ADA compliance requirements of the project.
- bb. Along with the RE, reviews payments requested by contractor. Submits invoices for reimbursement to NJDOT-BLA as per the project agreement.
- cc. Notifies NJDOT-BLA when construction is complete and arranges a final inspection.
- dd. Reviews and submits all documents required for final payment and project closeout
- ee. Monitors and rates the performance of the design and/or inspection consultants. Submits rating to NJDOT-BLA.

An Organizational Chart showing Township of West Orange personnel associated with Federal Aid Project administration, along with their duties, is included in this document (See Appendix A).

3.0 Procurement of Professional Services – Consultant Selection (For Design & Construction Management/Construction Inspection)

This section covers the procurement and administration of professional services and consultant selection for federally funded projects. Township of West Orange retains consultant services to provide the following tasks, including but not limited to environmental, surveying, engineering design, right-of-way, geotechnical, landscape design, construction management and inspection services, and material testing.

Consultant services funded wholly or partially with FHWA funds are procured and administered by Township of West Orange in accordance with 49 CFR – Part 18 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. All contracts for engineering and design services related to construction projects will comply with the requirements of 23 U.S.C 112-Letting of Contracts and 23 CFR 172 – Procurement, Management and Administration of Engineering and Design Related Services.

Township of West Orange must follow the requirements defined by the Brooks Act (40 U.S.C.), for competitive negotiation/qualification-based Consultant selections as per the procedure listed below:

DESIGN ASSISTANCE PROGRAM

Please note- NJDOT-BLA may provide Design Assistance for certain federally funded programs. If offered, Design Assistance will provide full funding for the design of the project. The NJDOT-BLA will solicit and rate proposals in compliance with the Brooks Act to establish a pool of qualified design engineering consultants. Township of West Orange will choose a pre-qualified consultant from this pool, and in conjunction with NJDOT-BLA request a SOW and cost estimate from the selected consultant. After the SOW is finalized and cost is negotiated, Township of West Orange will ask NJDOT-BLA to request federal authorization funding for design. This authorization will provide funding for Preliminary Engineering, further authorizations for Final Design and Construction Support Services will be made at the appropriate time. Once the project receives federal authorization for the Preliminary Engineering phase, Township of West Orange will enter into an agreement with the consultant and follow the procedures for awarding and administering a consultant contract as stipulated in this manual.

3.1 Request for Proposals

DESIGN

Township of West Orange will administer and oversee the procurement of professional services by preparing an RFP for Design Services. The RFP must be approved by NJDOT-BLA, and include, but not be limited to the following requirements.

For each design phase Township of West Orange shall prepare a detailed scope of work (SOW) that includes the following, as a minimum:

1. Description of the project location and existing conditions
2. A clear, accurate and detailed description of the proposed project (SOW), technical requirements, and qualifications of consultants necessary for the services to be rendered. The SOW should detail the purpose and description of the project, services to be performed, deliverables to be provided, estimated schedule for the performance of work and applicable standards, specifications and policies.
3. A list of the tasks to be included in the project, and a description of the work (SOW) to be performed for each of the tasks.
4. Estimated project schedule by tasks using the critical path method, Bar Chart or approved method as per NJDOT-BLA requirements.
5. Location Map
6. Method of payment must be cost plus fixed fee,
 - The Cost-plus Fixed Fee Method of payment reimburses the Consultant for its direct and indirect costs (salary, overhead, direct expenses) in addition

to a negotiated amount as a fixed fee. The fixed fee rate will be calculated in accordance with NJDOT methodology.

- Allowable costs include those directly associated with the specific contract as well as overhead costs, also known as their indirect cost rate.
 - Federally funded projects require that consultant contracts be compliant with 48 CFR part 31 – Contract Cost Principles Under the Federal Acquisition Regulations (FAR). This federally funded project has NJDOT oversight, and to ensure the consultant contract is compliant with FAR cost principles when using federal-aid funds, only NJDOT approved overhead rates will be used. Consultants that do not have approved NJDOT overhead rates must be approved in accordance with NJDOT Procurement policies.
 - The fixed fee calculated using NJDOT format and procedure will be used for the purpose of developing the cost estimate, negotiating and making payment on the contract.
7. Creation of a Proposal Submittal Checklist including but not limited to:
- Copies of DBE certifications
 - Proof of NJDOT approved overhead rates
 - New Jersey Business Registration
 - Statement of Ownership
 - Non-Collusion Affidavit
 - Acknowledgment of Receipt of Addendum -if required
 - Checklist Signature Page
 - Iran form (DC-16)
 - Russia Belarus form
 - Byrd anti-lobbying certification-(contracts over \$100,000.00)
8. Project Cost and Work Hour Estimate
- Township of West Orange will create a cost estimate based on tasks and work hours. The tasks listed in this form must match the tasks described in the SOW.
 - This estimate shall be used to negotiate costs
9. Rating and Evaluation
- Township of West Orange will create a rating form and rating criteria to be used to evaluate proposals. These documents will be submitted to NJDOT-BLA for review and approval. Township of West Orange will form a rating team of at least three individuals who will use the approved rating form and criteria to perform a quality-based selection. (See below for full rating process)

Note: this section outlines the tasks and deliverables for three phases of the NJDOT design process - Concept Development, Preliminary Engineering and Final Design. All phases may not be necessary for each project.

PHASES OF NJDOT DESIGN PROCESS

Concept Development Phase- if required

Conduct data collection, evaluate deficiencies and identify fatal flaws, evaluate planning alternatives, coordinate with stakeholders, complete environmental screening, assess Right of Way, Utility and Access impacts, determine Preliminary Preferred Alternative, identify substandard design elements, determine environmental impacts and document, prepare construction cost estimate, and execute the public involvement action plan.

Deliverables

- Design Communication Report
- Purpose and Need Statement
- Preliminary Preferred Alternative
- Environmental Document Classification
- Concept Development Report

Preliminary Engineering Phase

Coordinate with Stakeholders, conduct environmental analysis for PPA, initiate roadway engineering, initiate structural engineering, initiate ROW and access, identify utility impacts, prepare final design and construction cost estimate, execute public involvement plan

Deliverables

- Design communication report
- Preliminary engineering report
- Approved environmental document
- Approved design exception report
- Cost estimate – final design and construction
- Approved project plans

Final Design Phase

Complete roadway engineering, structural engineering, ROW, utility and access impacts, environmental process and prepare final design submission, execute public involvement plan.

Deliverables

Design communication report
Environmental reevaluation and permits
Acquisition of ROW
Construction contract documents

The construction support services tasks, if included, are but not limited to, the following:

- Bidding process and award of contract
- Attending pre-construction meeting
- Shop and/or working drawings reviews and approvals.

Note: The Design Consultant may be retained to perform construction support services during the construction phase if the scope for these services is included in the design solicitation.

Construction Management & Inspection (CM/CI)

Township of West Orange will administer and oversee the procurement of Construction Management and Inspection services by preparing an RFP which outlines the tasks and deliverables for the Construction Management/Inspection contract including but not limited to the following:

- Detailed Scope of Work
- Construction Schedule
- Key Staff/Inspector Qualifications Requirements/Responsibilities
- Prior Similar Work Experience
- Deliverables
- Method of Contract Payment.
- Proposal Evaluation Criteria

Note: Additional CM/CI RFP requirements are included in Section 5 of this document.

3.2 Proposal Evaluation Process (Design & CM/CI)

Township of West Orange will do the following:

- Prepare a **rating form** (Appendix C) that includes a list of the evaluation factors and their importance. This form will be provided in the RFP package and includes criteria such as: experience of the Design or Resident Engineer and key staff, experience with similar projects, location (proximity to project site), past performance, workload, capacity, technical approach, understanding of scope of work, and project management plan. Proposal Evaluation Forms generally consist

of the similar criteria which can be modified to be more project specific. The criteria selected from the list below shall be cited in the public solicitation as per 23 CFR 172.7(a)(1)

- Prepare a **rating guide** (Appendix C) that provides guidance to the selection committee on how to assign points for each of the evaluation factors.
- Prepare a detailed cost estimate, using a project cost work hour proposal form that is approved by the LAPM, showing project specific tasks and workhours for the professional services, to be broken down by the type of labor, direct costs, and Consultant's fixed fee and Overhead Rate for the defined scope of work.
- Submit the detailed RFP, the rating form, the rating guide, cost estimate and to NJDOT-BLA for their review and approval.
- Prepare a package of documents to be distributed to firms responding to the solicitation for preparation of technical proposals along with a separate cost proposal. These documents- along with the advertisement- must be approved by NJDOT-BLA prior to advertising for proposals.

The Proposal Package includes:

- The approved RFP.
- An estimated project schedule using a Bar Chart or Critical Path Method including milestones including start date, duration and completion date.
- The evaluation form that includes the weighted evaluation factors and their relative importance.
- A cover letter containing instructions for submitting proposals including the time and place for submission of the proposals, the cost proposal and the DBE/Trainee requirements. The requirement that the technical Proposal and Cost Proposal are to be submitted in separate sealed envelopes will be clearly stated in the RFP.

Advertisement for Consultant Services

Township of West Orange advertises for technical proposals. The advertisement is placed in at least two legal newspapers (1 local and 1 regional), for three consecutive weeks. Township of West Orange will provide at least 14 working days after the last advertisement for the Consultant to respond to the solicitation. A copy of the advertisement and dates will be filed at Township of West Orange offices unless requested by the Local Aid District Office

The advertisement must include the following statement

- **“Proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.3, et seq., and as such, contractors are exempt from the limitations on making political contributions under that law. Further, for that reason, as well as because of language in the New Jersey's Annual Appropriations Act, refusal to disclose campaign contributions otherwise required by N.J.S.A.**

19:44A-20.3 et seq. and 19:44A-20.25 et seq., will not adversely affect your consideration for award.”

Evaluation of the Proposals and Consultant Selection

Township of West Orange receives the proposals at the designated time and place. A separate sealed cost proposal is submitted as part of the proposal.

Proposals are evaluated and ranked independently by members of the Consultant Selection Committee. The Consultant Selection Committee shall consist of at least three individuals including representatives of Township of West Orange.

All submitted proposals must be evaluated and ranked according to the evaluation criteria and scoring process outline in the RFP. (Proposal Rating Guide is in Appendix C of this document)

The members of the Consultant Selection Committee meet to discuss the rankings and, if necessary, ask the top ranked Consultants to make an oral presentation.

The top ranked Consultant is selected, their cost proposal is opened, and negotiations take place to ensure an acceptable project cost is reached.

Township of West Orange negotiates the Workhours with the selected Consultant using Township of West Orange previously prepared cost estimate. This is used as the basis for the negotiation to arrive at a fair and reasonable compensation for the solicited services. Only work included in the original advertised scope of services is incorporated into the contract. The allowable costs include the direct costs associated with the specifics of the contract, the fixed fee as well as overhead costs. Only NJDOT approved overhead rates can be used.

If a satisfactory negotiation cannot be reached with the number one ranked Firm, then cost proposal of the number two Firm will be opened. All other Cost Proposals are returned unopened after a successful negotiation process. The RC/PM submits documentation of the Consultant selection process to NJDOT- BLA for approval after the selection of the Consultant and negotiation of the cost proposal. This includes the following:

- selected technical proposal
- the cost proposal
- DC-16 Disclosure of Activities in Iran
- Russia and Belarus form
- Byrd Anti-Lobbying form (contracts over \$100,000.00)
- letter from the sponsor supporting the selection, stating that the consultant and any subconsultants are not debarred and requesting federal authorization.

After receiving written authorization from NJDOT- BLA, Township of West Orange executes a contract with the Consultant for the amount authorized.

3.3 Award of Consultant Contract

The RC/PM recommends the award of contract to the selected consultant to the governing body of Township of West Orange after receiving written authorization from NJDOT-BLA. Township

of West Orange passes an award resolution for the amount authorized.

3.4 Federal Agreement for Design Services

Township of West Orange executes a project specific Federal Aid Agreement (FAA) with NJDOT, this agreement allows for payment of federal funds to Township of West Orange.

NJDOT-BLA prepares and submits to Township of West Orange a Federal Aid Agreement for signatures by Township of West Orange authorized official and clerk. This agreement allows for reimbursement of costs and includes the terms of the contract between Township of West Orange and the NJDOT. Township of West Orange returns four (4) copies of the originally signed agreement along with four (4) copies of a signed resolution that states the amount of the agreement, the agreement number and designates the authorized official and the clerk to sign the agreement.to NJDOT-BLA.

Please note- if Township of West Orange requires additional signatures on agreements, the RC will inform the LAPM and ask that additional names and titles be added to the agreement signature page.

NJDOT-BLA will circulate the agreement for execution by the Department and returns one copy to Township of West Orange upon execution. **No work can be done until this agreement is fully executed.**

3.5 Consultant Contract Administration and Monitoring (Design or CM/CI)

Township of West Orange monitors consultant work throughout the contract assigning a full-time employee as Responsible Charge, who schedules a kickoff meeting with the consultant and representatives from NJDOT-BLA and NJDOT-BEPR (if required) to discuss the following:

- a. Scope of Work
- b. Sub consultants
- c. Project schedule
- d. ESBE/DBE compliance
- e. Specifications, requirements, and guidelines
- f. NEPA/Environmental process
- g. Change orders
- h. Payment procedures
- i. Affected agencies

The RC/PM schedules monthly progress meetings with the consultant to discuss the project progress and any Township of West Orange comments on the progress plans and specifications.

The RC/PM reviews the monthly payments submitted by the consultant to ensure the costs are consistent with the contract terms and progress of the consultant's work.

The RC/PM reviews ESBE/DBE goal compliance along with the consultant progress schedule and makes monthly payments to the consultant based upon approved invoices submitted.

The RC/PM submits invoices for reimbursements to NJDOT-BLA monthly or at minimum quarterly or as requested. The invoice package includes:

- a. Copies of the consultant invoices
- b. Proof of payments
- c. Project progress schedule and description

Narrative description of work performed during the payment period and any difficulties or delays encountered including:

Design Consultant:

- 1) comparison of actual accomplishments to the goals established for the payment period;
- 2) comparison, by tasks, of costs incurred with amounts budgeted, and;

Design or CM/CI Consultant:

- 3) comparison, by task, of work performed compared to the schedule, including a percentage of the total work completed. This requirement can be met by including a bar chart showing schedule timing and actual progress.
- 4) Copies of contract compliance documents as completed for the voucher payment period by the Resident Engineer that is designated by Township of West Orange, a complete set of which shall be furnished by the State at kickoff and/or preconstruction meetings.

DESIGN PHASE

The consultant, under the supervision of the RC/PM, prepares documents for the appropriate design phase. This may include such documents as information for the environmental document, plans, specifications, and engineer's estimate (PS&E). The RC/PM reviews the documents produced in each design phase and provides comments to the consultant. The consultant revises the documents and submits all revisions back to Township of West Orange for record; copies of the submittals are submitted to NJDOT-BLA for review and approval.

Preliminary Engineering

Environmental document- the RC submits the following to NJDOT-BLA for review, if acceptable the LAPM will submit the CED package to NJDOT-BEPR and request completion of the CED:

- Preliminary plans
- CED form, with first two sections completed
- location map,
- one page SOW
- Documentation of public outreach and support

Once the environmental document is approved Township of West Orange will submit the following to the LAPM:

- a. Preliminary Plans

- b. Engineer's Estimate
- c. Preliminary Design Report
- d. Design Communication Report

These documents along with the approved Environmental Document will be used to request Final Design Authorization

Final Design

The following documents are required for construction authorization- Please note -there will be an initial review and a final review by NJDOT-BLA:

- a. Final Plans and Specifications
- b. Environmental Re-evaluation
- c. Engineer's Construction Estimate (no older than 30 days from the time of submittal)
- d. Design exception (if applicable)
- e. Project Schedule
- f. DBE and Trainee forms
- g. Construction schedule/bar chart/CPM Schedule
- h. Design Certification
- i. Right of Way Certification*
- j. Utility Certification
- k. Permit Certification with copies of the permits (if applicable)
- l. Railroad Certification
- m. Advertising assurance letter
- n. Funding assurance letter
- o. Response to NJDOT comments

*Any need for right-of-way, as determined by the design consultant, will be processed in accordance with NJDOT-BLA and NJDOT Right-Of-Way Guidelines for Federally Funded Projects procedure and the Uniform Act. A right-of-way approval must be obtained from NJDOT Right-Of-Way Office to be included in the construction authorization package along with the ROW certification from Township of West Orange. Township of West Orange ROW procedure must be approved by NJDOT ROW before any ROW work is done.

For projects with estimated construction costs of \$12.5 million or more, Township of West Orange in accordance with N.J.S.A. 52:15C-10, notifies the Office of the State Comptroller as early as practicable, but not later than 30 days before advertisement.

Township of West Orange will receive a letter from NJDOT-BLA approving the Final PS&E submission. Once the project is authorized by FHWA and NJDOT, Township of West Orange receives a written authorization to advertise for construction along with the funding agreement from NJDOT-BLA.

3.6 Consultant Evaluation

Township of West Orange evaluates the Consultant's performance at the completion of the contracts for design services, construction support services, and construction inspection services. The rating also evaluates the overall project design.

Township of West Orange evaluates the Consultants on:

- a. Adherence to schedule,
- b. Quality of work and
- c. Project Management.

Township of West Orange evaluates the consultant performance once each contract is completed. (The Consultant Evaluation Form is included in Appendix D). Township of West Orange holds the consultant liable for any errors and omissions resulting in construction increased cost.

The Consultant evaluation is recorded on forms prepared by Township of West Orange team under the supervision of the RC. The forms include the evaluation categories, the weight of each category, and the eligible rating for each category. Guidelines are prepared for rating of each of the categories to provide a consistent evaluation.

For the design service phase, the RC/PM rates the Consultant using the information from the written log of the Consultant performance developed by the RC/PM during the design phase of the project.

For the construction support services area, the RC/PM may rate the Design Consultant based on the written log developed by the RC/PM during the construction phase and on information received from the Resident Engineer and Inspectors.

For the construction inspection services phase, the RC/PM rates the Consultant based on observations and partly on the written log developed by the RC/PM during the construction phase.

Township of West Orange prepares an evaluation of the overall quality of the design project detailing any major design issues. Township of West Orange RC/PM reviews and signs the evaluation forms and discusses the evaluation with each Consultant.

Township of West Orange keeps records of consultant selection and executed contract on file for a minimum of seven years following submittal of final invoice to NJDOT-BLA.

4.0 Advertisement and Award of Construction Contracts

- The RC/PM will send NJDOT-BLA a schedule of advertisement, anticipated bid date, start date for construction, construction duration, construction completion date and a current construction Bar Chart or a Critical Path Method Schedule, prior to advertisement. NJDOT-BLA must review and approve the Advertisement language. Upon approval, Township of West Orange will advertise the project for construction bids within 60 days from the date of the Construction authorization letter from NJDOT-BLA.

- The construction items and quantities must be the same as the final plans, specs and estimate as submitted with the authorization request. Any modifications to the construction items and quantities will require NJDOT-BLA and FHWA's prior approval and authorization before advertising for bids.

The RC requests advertisement of the project from the Governing body per Township of West Orange procedures.

The project advertisement is published once a week for three consecutive weeks in two legal newspapers (1 Local and 1 Regional). Township of West Orange allows a minimum of 10 working days after the last date of advertisement prior to receiving bids. Copies of all advertisements and a certification from the newspaper must be submitted to the NJDOT-BLA.

The start date, number of days to complete the project and a completion date will be specified in the project specifications with provisions for liquidated damages as per NJDOT 2019 Standard Specifications for Road and Bridge Construction section 108.20.

A pre-bid Conference may be scheduled by Township of West Orange to answer questions about the construction of the project.

Township of West Orange will place the following language into the construction bid solicitation:

- **“Proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.3, et seq., and as such, contractors are exempt from the limitations on making political contributions under that law. Further, for that reason, as well as because of a language in the New Jersey's Annual Appropriations Act, refusal to disclose campaign contributions otherwise required by N.J.S.A. 19:44A-20.3 et seq. and 19:44A-20.25 et seq., will not adversely affect your consideration for award.”**
- The Disadvantaged Business Enterprise goal is __%. These requirements are indicated in Federal Attachment No. 1 in the bid specifications.
- The number of Training Positions will be ‘___’ where feasible consisting of at least ‘___’ Apprentices and ‘___’ Trainees (Total Trainees Hours = ___). These requirements are In Federal Attachment No. 2 in the bid specifications.

Please note the bid documents must include wage rates from the US Department of Labor and NJ Prevailing Wage rates.

- The prevailing wage rates determined by the United States Secretary of Labor and the New Jersey Department of Labor must be used unless the prevailing wage rate prescribed for any craft by the United States Secretary of Labor is not the same as the prevailing wage rate prescribed for that craft by the New Jersey Department of Labor, pay the higher rate.
- General wage determinations issued under Davis-Bacon and related acts, published by US Department of Labor, may be obtained from the Wage Determinations online website at <https://sam.gov/search/?index=dbra&sort> Select state, Township of

West Orange and construction type heading: HIGHWAY where the Project is to be performed then click Search.

- State wage rates may be obtained from the New Jersey Department of Labor & Workforce Development (Telephone: 609-292-2259) or by accessing the Department of Labor & Workforce Development's website at https://www.nj.gov/labor/wagehour/wagerate/prevaling_wage_determinations.html. The State wage rates in effect at the time of award are part of this Contract, pursuant to Chapter 150, Laws of 1963 (N.J.S.A. 34:11-56.25 et seq.).
- If an employee of the Contractor or subcontractor is paid a rate of wages less than the prevailing wage, the Department may suspend the Work, and declare the Contractor in default.

The Wage Rates from the above listed websites must be downloaded not more than ten (10) days prior to advertisement and inserted into the final bid specifications.

Township of West Orange will receive the bids at the time and place specified, and verifies the required documents shown on the Bidder's checklist are included in the bid proposal at the bid opening. The RC is also present at the bid opening. The bid opening is documented by the RC.

After legal review the Authorized representatives of Township of West Orange provide the RC with copies of all responsive bids proposal packages after the bids are opened and read to the public. The responsive bids are emailed to NJDOT-Civil Rights for their review and approval with a copy to NJDOT-BLA. See Pre-Award of Contract -Civil Rights Approval for procedure (below).

The RC provides a copy of the bids which meet Township of West Orange and NJDOT Civil Rights requirements listed below under Pre-Award of Contract to the consulting firm retained to perform construction support services, requesting a bid analysis to ensure that bids are balanced. This analysis shall be prepared in accordance with the FHWA's Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation, dated October 7, 2021 (Formerly T 5080.4)

<http://www.fhwa.dot.gov/programadmin/contracts/ta508046.pdf>.

The consultant makes recommendation and notes any discrepancies, the analysis will be reviewed by the RC and submitted to NJDOT-BLA.

4.1 Pre-Award of Contract- Civil Rights Approval

Township of West Orange bid solicitation package will state that bidders must submit the following forms either at the time of bid or within 5 days after bid opening:

- A completed and signed Form CR-266 – Schedule of DBE/ESBE/SBE Participation listing each DBE firm being used to meet the Contract goal. Forms can be downloaded from: <http://www.state.nj.us/transportation/business/civilrights/forms.shtm>. Revisions to

the CR-266 will not be accepted after its initial submission and prior to award of the Contract. (A statement that all forms can be downloaded from the site location above will be included in the Specifications and Bid Advertisement)

- A completed and signed Verification of DBE/ESBE/SBE Firm (Form CR-273) for each firm listed on the CR-266 to demonstrate direct written confirmation from each DBE firm of willingness to participate on the Contract, confirming the kind and amount of work that was provided on the Contractor's CR-266. This form must be completed in its entirety and signed by each DBE firm.
- A completed and signed DBE/ESBE/SBE Regular Dealer/Supplier Verification (Form CR-272) for all Regular Dealers/Suppliers listed on the CR-266 form, if applicable. This form must be completed in its entirety and signed by each DBE firm.
- A completed and signed DBE/ESBE/SBE Trucking Verification (Form CR-274) for all DBE trucking firms listed on the CR-266, if applicable. This form must be completed in its entirety and signed by each DBE firm.
- Documented evidence of good faith efforts if the bidder's commitment shown on the CR-266 fails to equal or exceed the contract DBE goal.

Immediately after the five day Civil Rights document submittal period following the bid opening, Township of West Orange will verify that all forms have been submitted and email to the Local Aid project manager as well as cc. DOT-CR.Verifications@dot.nj.gov the following:

- The above noted forms submitted by each bidder.
- A list of all responsive bidders as determined by Township of West Orange Legal Department in the order of lowest bidder to highest bidder.

Note - If the Department (NJDOT) determines that the apparent lowest responsive Bidder has failed to commit to meet the Contract DBE Goal and made adequate good faith efforts to do so, Township of West Orange must, before awarding the Contract, provide the Bidder an opportunity for Administrative Reconsideration. Township of West Orange, in conjunction with the NJDOT, will start the process of Administrative Reconsideration. Administrative Reconsideration will follow the process shown in the 2019 Standard Specifications Section 102.13.01(3) Bidders Pre-Award Requirements.

Firms listed on the CR-266 will not be counted toward the Contract DBE goal unless completed and signed CR-273 form(s), and applicable CR-272 and CR-274 form(s) are submitted to Township of West Orange within the 5 days after bid opening.

NJDOT- Civil Rights will review the submitted forms and if the apparent lowest responsive bidder meets the Contract DBE goal, will issue an approval to the NJDOT-BLA Project Manager. Township of West Orange will then be notified that they can proceed with the award of this project.

TOWNSHIP OF WEST ORANGE MAY NOT AWARD A CONTRACT PRIOR TO THE DEPARTMENT'S APPROVAL AS PER SECTION 102.15 "DISQUALIFICATION OF BIDDERS" IN THE PROJECT SPECIFICATIONS CONSISTENT WITH THE FOLLOWING:

- Failure to submit CR-266 completed and signed with CR-273, applicable CR-272 and CR-274 signed and completed at the time of bid or within 5 days after bid opening will be considered as non responsive bid, and bid will be rejected. No corrections or editing will be allowed after the forms are submitted.
- If the submitted CR-266 form does not meet the contract DBE goal, the bidder must submit at the time of bid or within 5 days after bid opening documentation of “good faith effort”. Submittal of such information does not imply NJDOT-Civil Rights approval. NJDOT-Civil Rights has sole authority to determine whether the contractor is meeting the contract DBE goal or made adequate good faith efforts to do so.

4.2 Award of Contract

- Township of West Orange will award the construction contract within 4 months of the date of the authorization to advertise notification from NJDOT-BLA. Township of West Orange understands that failure to award construction within 4 months of NJDOT-BLA’s letter may result in the withdrawal of funding. Withdrawal of funds may require the project to be reprogrammed by the MPO and rescheduled for approvals in the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) and reauthorization of funds by FHWA. This could result in significant project delays.
- Upon award of construction contract, Township of West Orange will submit the following to NJDOT-BLA for the concurrence in the award of construction contract:
 - a. Certified copy of the bid summary
 - b. Original resolution of award
 - c. Affirmative Action approval letter for Prime & Sub-Contractors approved by NJDOT- Civil Rights
 - d. Byrd Anti-Lobbying Amendment Certification (contract over \$100,000.00)
 - e. Iran form DC-16
 - f. Russia/Belarus form
 - g. Affidavits of advertisements
 - h. Written verification that contractor and/or subcontractors are not on the debarred list
 - i. Record of Bid opening
 - j. Copy of Construction Contract Award Letter to Contractor
 - k. Non-collusion affidavit

NOTE - Township of West Orange may jeopardize receipt of Federal Funds if Township of West Orange enters contract with prime contractor without Award Concurrence from NJDOT-BLA or without the approval of NJDOT-Civil Rights.

If the bids are rejected for any reason, NJDOT-BLA will be notified in writing, explaining the reason(s) the bids were rejected as per 23 CFR 635.114. The FHWA must be notified by NJDOT-BLA of rejection of bids prior to Township of West Orange re-advertisement of the project.

Once approval from NJDOT Civil Rights is received and the bid analysis is accepted by NJDOT-BLA, Township of West Orange contacts the selected construction company and requests the necessary legal documents for the award of contract. Once the legal documents are submitted, the

contract is scheduled to be presented before Township of West Orange Governing Body for adoption of Resolution to approve award the contract as per Township of West Orange process.

Per Township of West Orange process, Township of West Orange prepares a contract to be signed by authorized representatives of both Township of West Orange and the lowest responsible bidder after Township of West Orange receives a letter of concurrence of award from the NJDOT-BLA.

A copy of the contract between Township of West Orange and the contractor must be submitted to NJDOT-BLA prior to the pre-construction meeting.

For sub-contracts between the prime contractor and any sub-contractors the DC-18 – Sub-Contractor Agreement -must be submitted by the prime contractor to Township of West Orange at least 20 days before the anticipated start of work by the sub-contractor. DC-18's must be submitted to NJDOT-BLA at least 10 days before the start of any anticipated work. NJDOT-BLA must approve the DC-18 before any sub-contracting work can be done.

4.3 Federal Agreement - Construction

NJDOT-BLA will provide the Federal Project Agreement to Township of West Orange at the time of Construction Authorization (under separate cover letter)

Township of West Orange will provide the following to NJDOT-BLA:

- Within 45 days of receiving the agreement, Township of West Orange will provide Four (4) original signed and sealed copies of the Agreement along with Four (4) signed/sealed Resolutions for execution by the NJDOT.

NOTE: No reimburseable work can be performed until the project agreement is executed by the NJDOT. Township of West Orange understands that failure to follow all Federal requirements may result in the loss of Federal reimbursement.

5.0 Construction Project Management

Title 23 CFR 635.105 specifies oversight requirements for locally administrated federal aid construction projects, which mandates a full-time employee to be in responsible charge of Federal-Aid construction projects. The RC may work in conjunction with a consulting company providing Construction Management and Construction Inspection Services outlined by the RFP as described in Section 2 of this document.

In accordance with 23 CFR 635.105, a full-time Township of West Orange employee will be designated to be the “Responsible Charge” for each federally funded project. This protocol will be required and applied even when consultants are providing design/contract administration/ or other engineering services on the project. See Section 2 of this document for the duties of the RC/PM.

5.1 Construction Inspection

Title 23 CFR 635.123 requires projects receive adequate supervision and detailed construction inspection to ensure construction is completed in conformance with the approved plans and specifications. All activities delineated in this Section are to be done by in house inspectors or the consultant selected for Construction Inspection Services as Resident Engineer/Inspectors, under the supervision of the RC/PM, who will request revisions or additional information as needed.

The RE/Inspector provider is required to ensure that the project is in compliance with all Federal and State Regulations during the life cycle of the project. The penalty, in dollar amount, imposed by NJDOT or FHWA for any loss of revenue due to lack of vigilance will be recovered from Construction Inspection Firm. This provision will be included in the Construction Inspection Contract.

Please note-The Resident Engineer and any Inspectors must provide proof of attendance at the Rutgers/CAIT course Highway Inspection Procedures for Federal Aid Highways prior to the start of construction.

Following the preconstruction meeting, the Contractor must agree to commence work on a date to be specified in a written “Notice to Proceed” by the RC/PM and fully complete the project within the specified calendar date in the contract documents. The Notice to Proceed will include the calendar date work must be completed.

Attendees of the pre-construction meeting will be the RC/PM, Contractor, construction inspection consultant, the design consultant, police, utility companies, local representatives, NJDOT- BLA, and NJDOT Civil Rights. The following items, at a minimum, will be included in the pre-construction meeting agenda:

- a. Project Description
- b. Key personnel
- c. Construction schedule
- d. Utilities
- e. Maintenance and protection of traffic
- f. Sub contactors- DC-18A (Approval to sublet)
- g. Items of Construction
- h. Progress meetings frequency
- i. Material Questionnaire
- j. Change Orders
- k. Material sampling requirements
- l. Certificates of compliance for all materials
- m. Buy America requirement- Iron and Steel
- n. Build America material requirements-construction materials
- o. DBE goal and requirements
- p. Trainee Goals & Requirements
- q. Civil Rights, Title VI and Sexual Harassment Policies (Posters)
- r. Source documents for verifying and documenting all work
- s. Invoicing
- t. All other federal guidelines and requirements

u. Final inspections

A NJDOT-BLA and a NJDOT-Civil Rights representative will discuss the Federal Project Requirements and will describe their role in checking for compliance with all requirements, additional federal forms will be provided to Contractor, the Resident Engineer and the RC.

[Forms, Civil Rights/Affirmative Action, Doing Business \(state.nj.us\)](https://www.state.nj.us/forms/civil-rights-affirmative-action-doing-business)

No construction work shall be allowed on the project before the Federal Aid agreement is executed between the NJDOT and Township of West Orange, a pre-construction meeting is held, the progress schedule is approved, the field office has been established (if required), and the right-of-way limits, limits of the construction, environmentally restricted areas have been laid out and all environmental agencies that issued permits have been notified. The Resident Engineer under the supervision of RC/PM, will schedule, create agenda, maintains notes and records related to progress meetings. Progress meetings will be arranged as often as necessary.

The Resident Engineer and RC/PM reviews all the items submitted by the Contractor such as but not limited to material questionnaire (DC-2891), list of Sub-contractors, affirmative action plan, list of DBE Firms and other subcontractors, project work schedule, list of the emergency contact telephone number, material certifications, list of suppliers and mix design reports.

Township of West Orange, in executing the inspection of the project, will use the 2019 NJDOT Standard Specifications, the approved project Supplementary Specifications, NJDOT Standard Roadway Construction, Traffic Control and Bridge Construction Details, the MUTCD and the project plans. The field inspection team will accurately maintain records during construction including daily inspection reports, engineer's diary, material delivery tickets, material certifications, material questionnaires DBE requirements, material testing results and Buy America/Build America Certification.

All activities on the project are documented in the daily inspection reports using NJDOT Daily Inspectors Report Form (DC-29, DC-144 or approved equal) and an Item Summary Sheet. The inspections report is supplemented with field notes that includes measurements (length, width, depth, slope), calculations (area, volume, weights), sketches, a statement of compliance with the plans and specifications, any field changes, comments, delivery tickets that must be received and initialed by the inspector before placement. The RE will ensure that testing of materials is properly conducted and documented in the project files and referenced in the daily reports. The inspection reports are signed and dated and reviewed and initialed by the RE. (see Section 5.2 for more detail).

The Resident Engineer will use the summary of pay items (DC-70 or equal) to verify and negotiate the contractor's payment request and to develop the monthly payments and submit them for review to the RC/PM.

The inspection team performs wage rate inspection using the required forms including Form DC-126 and verifies that the prevailing wage rate requirements of 23 U.S.C. and 40 USC the Davis-Bacon Act and/or NJ Prevailing Wage are met.

The inspection team and RC will make sure that all the environmental commitments and/or permit requirements are met. They will also verify that all required Civil Rights notices are posted at a location visible at the project site and documents this in the daily inspection reports.

The maintenance and traffic control plan impacting work zone and pedestrian safety must be in compliance with the MUTCD and reviewed by the resident engineer on a daily basis. The Contractor will be immediately notified to correct any discrepancies to the approved plan or supplement accordingly. A record of this daily inspection must be included on the daily report. The inspection team shall ensure that all the pedestrian facilities constructed in accordance with Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA Act of 1990 and in accordance with AASHTO standards and Americans with Disabilities Act, Accessibility Guidelines (ADAAG).

The inspection team, under RC/PM supervision, monitors and requests corrections from the Contractor as needed of the progress schedule, Contractor payments and contract completion to make sure full adherence to the approved schedule and specified contract time.

The inspection team shall monitor and verify that the DBE/ESBE goals identified in the bid documents on the approved Form CR-266-Schedule of DBE Participation for the project are met. The inspection team verifies and ensures that the work to be performed by DBE Sub-contractors is being performed by the approved DBE Firms listed on the Form CR-266. The Resident Engineer will use the daily reports to document the on-site monitoring.

Any changes to the DBE Goals or Contractors must be submitted to NJDOT on revised Form (CR-266) for approval. Section 108.01 of the NJDOT specifications must be followed.

The RC/PM submits to NJDOT the following documents monthly and/or with Partial Payment Request (Invoice):

- a. Form DC-126 - Wage Rate Inspection
- b. Form DC-127- Monthly Summary of Contractors Payrolls
- c. Form 347 Statement of Compliance and Certified Payrolls
- d. Form CR-267 -Monthly Report, DBE Utilization
- e. Proof of payment to all subcontractors (DL-72)
- f. Cancelled checks as proof of payment for DBE subcontractors

The RC/PM and the RE ensures that the Contractor and his sub-Contractors submit the CC-257 electronically each month. Copies shall be submitted to NJDOT-BLA Office with each payment voucher.

5.2 Source Documentation

Township of West Orange complies with Title 23 CFR 635.123 to provide for adequate assurance that the quantities of completed work will be determined accurately and on uniform basis. All related source documents upon which payment is based must be matter of record, as basis for the determination of acceptable pay quantities and monthly payments to the Contractor. The means and methods consisting of notes and/or daily reports for the documentation of length, width, depth and slope, calculations of area, volume, weights, sketches must be presented by the Resident

Engineer, assigned to the project to protect the public interest and to ensure that the number, size, and characteristics of what being delivered match the plans/specs. The following is a list of the documents and procedures normally accepted as proper source of documentation:

- a. Delivery tickets are received initialed by inspector prior placement of materials
- b. Testing of materials is documented in the project files and referenced in daily inspection reports.
- c. Form DC-29 (or DC-144 or approved equal) is used for daily inspection reports and all instructions on the DC-29 are followed. Inspection reports are supplemented with field notes, pay quantity summaries and photographs that tie the work being done to the plans, specifications and related contract documents <http://www.state.ni.us/transportation/business/localaid/documents/DC29>
- d. Inspection reports are signed and dated by the inspectors.
- e. The Resident Engineer reviews and initials the daily inspection reports.
- f. The Resident Engineer prepares a summary of pay quantities based on the daily inspection reports
- g. The Resident Engineer uses the summary of pay items to develop periodic pay estimates for the RC/PM. The summary of pay items must be used for comparison and negotiation of the Contractor payment request. The RC/PM must ensure proper payments are being made in accordance with the contract provisions. Upon acceptance of the negotiated Contractor payment, a voucher request will be forwarded to Township of West Orange for Contractor payment as per Township of West Orange process.
- h. The Resident Engineer reviews and verifies that all prevailing wage rate requirements have been met and are documented in the project files.
- i. NEPA and all environmental commitments and/or permit requirements must be met and documented in the daily inspection reports.
- j. All pedestrian facilities must be constructed or reconstructed in accordance with the American with Disabilities Act (ADA) of 1990; Section 504 of the Rehabilitation Act of 1973; 28 CFR 35.151 (i) and NJDOT Standard Construction Details.
- k. Buy America/Build America certifications are received by the inspector at the time of delivery (see Section 5.3)
- l. DBE and trainee requirements are monitored and enforced to ensure compliance with 49 CFR 26; the contract plans, specifications and related contract documents. (See Section 5.4)

5.3 Buy America/Build America

Buy America

Steel or iron products including application of coating permanently incorporated into federal-aid projects must be manufactured in the United States as per Title 23 CFR 635.410 requirements. These requirements apply to the entire federal-aid project. There is no exemption for steel and iron purchased with other than federal funds. Minimal use of foreign steel or iron is permissible if the cost of such materials does not exceed one-tenth of one percent of the total cost or \$2,500, whichever is greater.

The RC/PM will ensure that the Resident Engineer and Inspector are aware that the Buy America Certification must be provided at the time of material delivery. No steel or iron will be incorporated into the project without a signed Buy America certification. The certification must be properly labeled as per project specific, and be current, dated, signed, and notarized, and specific to the materials at hand and should be received at the time of delivery or prior to steel/iron material is installed. The certification must be printed on the supplier letterhead. This must be documented in the daily inspection reports.

The Resident Engineer will maintain a log of all iron and steel placed on the project; permanently incorporated, temporary, and temporary but must remain in place including stay in place forms, temporary sheeting left in place by the Contractor.

Build America

Ensure all construction materials are manufactured in and manufacturing processes occurred in the United States. Construction materials includes an article, material, or supply - other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives – that is or consists primarily of nonferrous metals, plastic and polymer-based products (including PVC, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber or drywall. Items that consist of two or more of the listed materials that have been combined through a manufacturing process, and items that include at least one of the listed materials combined with a material that is not listed through a manufacturing process, should be treated as manufactured products, rather than as construction materials.

Precast Concrete Steel and Concrete Pipe Certification of Compliance. For precast concrete and concrete pipe items, a Buy America Compliance Plan is required to confirm that the material meets the Buy America requirements and the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. No. 117-58, which includes the Build America, Buy America Act (“the Act”). Pub. L. No. 117-58, §§ 70901-52 as specified in Section 106.03 of the NJDOT specifications. The Materials Engineer (ME), Township of West Orange approved representative or equal, will periodically audit compliance with the program at the precast plant. If the precast concrete item is not inspected by ME, submit a Certification of Compliance for the precast concrete item as required in Section 106.07.01. When a Certification of Compliance is submitted, ensure that the Certification of Compliance contains a statement that the reinforcing steel used in the precast concrete item complies with the Buy America requirements and the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. No. 117-58, which includes the Build America, Buy America Act (“the Act”). Pub. L. No. 117-58, §§ 70901-52 as specified in Section 106.03. Certification for Construction Materials. For construction materials, a Buy America Compliance Plan is required to confirm that the material meets the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. No. 117-58, which includes the Build America, Buy America Act (“the Act”). Pub. L. No. 117-58, §§ 70901-52 as specified in Section 106.03. When a Certification of Compliance is submitted, ensure that the Certification of Compliance contains a statement that the construction materials used complies with the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. No. 117-58, which includes the Build America, Buy America Act (“the Act”). Pub. L. No. 117-58, §§ 70901-52 as specified in Section 106.03.

5.4 DBE/Trainee Compliance

The RC/PM and the Resident Engineer must continuously monitor DBE and Trainee participation to verify compliance with the approved DC-266. The RC and RE also monitor and perform Commercial Useful Function reviews as the project progresses and are responsible for ensuring the DBE contract goals will be met at the time of project completion. Under the supervision of the RC/PM, the Resident Engineer is responsible and maintains a separate file for:

- a. Verification of Recommendation to Award memorandum and the schedule of Participation DBE Form CR-266, to determine status of Sub-contractors to monitor for compliance.
- b. During the Contract, monitors true participation by comparing DBE goal commitments against Request for Approval to Submit Form DC-18; also, cross check the daily reports with each affected Form DC-18, the Recommendation to Award and the Utilization of DBE/SBE Monthly Report Form CR-267.
- c. Ensures all DBEs are performing Commercial Useful Function (CUF).
- d. Uses the Daily Inspection Report (DC-29, DC-144 or equal) to document on-site monitoring of stipulated DBE work items and Contractor performing the work under to ensure compliance.
- e. Notifies the RC/PM and the Contractor in writing of any violations and will direct the Contractor to comply with the requirements. Revisions to the approved DBE program can be made only upon the Contractor submittal of the revised Form CR-266. The Resident Engineer must follow-up promptly to ensure timely solution.
- f. For any DBE/ESBE goal commitments, outlined in the Specifications, which may not be fulfilled, as soon as it is known the goal will not be met the contractor must promptly submit supporting adequate Good Faith Effort with Form CR-267, this will be reviewed by RC/PM and recommended documentation for approval and sent to NJDOT-BLA Office. Changes to DBE compliance must be approved by NJDOT - Civil Rights.
- g. DC-18's – along with Executed sub-contracts
- h. Cancelled checks showing payment to sub-contractors – copies of front and back of check to be provided.
- i. Monitors Trainee goal requirements (If Trainees are Required) through on-site monitoring (DC-29A Daily Inspector's Report/or DC-144 or Approved Equal Local Form will be used to monitor the performance of the Trainees). Evidence of Contractor's Trainee compliance must be maintained throughout contract.
- j. Township of West Orange will have Contractor provide and maintain Apprentice/Trainee Approval Memorandum Part "A", Biweekly Training Reports, Contractor's 1409 Quarterly Training Reports, and Training Certificate for each Trainee candidate assigned to project.

5.5 Contract Changes

Changes to the plans and specifications, quantities, extra work (if necessary) and time, are to be done in accordance with the requirements of NJDOT Standard Specifications, Section 104.03,

Section 108.11, Title 23 CFR 635.120, NJAC 5:30 and the procedure outlined below.

Contract changes must be monitored and documented daily. The Contractor may not deviate from the requirements of the contract unless and until a field order is issued by Resident Engineer upon approval by the RC/PM and NJDOT-BLA. Contract line-item overruns are not permissible without formal requests by the Contractor and approvals by the RC/PM and NJDOT-BLA. All new or supplemental costs must be negotiated, itemized, and justified. In addition, contract time must be evaluated for each change to the contract. All documentation of the negotiations, including the basis of cost, must be on file and included in the change order request.

5.6 Change Orders

The Resident Engineer will notify the RC/PM once it becomes apparent that a change to the Plans and/or Specifications is required. After reviewing the Plans and/or Specifications to determine if the change is valid and necessary the RC in conjunction with the RE and/or the consultant who designed the project the potential extra work is and recommended for approval.

- The RC/PM notifies NJDOT- BLA once it has been established that a Change Order for changes in the contract quantities or extra work is necessary and prepares a field order (see Section 5.7). The form shall state the description of the change or extra work , reason for the change, value of the change (increases or decreases against the contract price). Time is also evaluated as part of the change order. This form will authorize the Contractor to proceed with the work upon written approval from NJDOT-BLA.
- The Contractor shall provide to the RE a detailed cost proposal (materials, labor, equipment, overhead) for extra work. The cost will be reviewed by the RE and RC, documented, and negotiated based on the cost estimate prepared by the RE, under the supervision and approval of the RC, for the extra work presented by the Contractor. Documentation of the negotiated costs will be included in the change order. The change order will be signed by the Contractor, the RE and submitted to the RC for review. If the price for the extra work cannot be mutually agreed upon, Township of West Orange will initiate work by force account as per Section 104.03 of the Standard Specifications.
- The RC prepares a Federal Change Order (DC-173A) and submits to NJDOT-BLA for review and approval once Township of West Orange formally approves the change order. The Change Order will serve as a contract document adjusting the contract price. Any amounts in excess of the authorized contract amount cannot be expended until the Change Order is approved.
- Work included in the Change Order cannot be invoiced until the DC-173A has been approved by NJDOT-BLA. Time should always be evaluated as part of a change order as it could change the contract time and contract completion date.
- The RC/PM will notify NJDOT-BLA if during construction, an inherent job condition should arise, and said condition, if not immediately corrected or changed, would unduly delay the Contractor. Upon the written authorization of the NJDOT-BLA, the Contractor will be instructed by field order and Township of West Orange will proceed with the approval of the time extension change order at the next available Township of West Orange Governing Body meeting.
- Changes of 20% or more to the contract will require approval in accordance with NJAC 5:30-11.3 and 11.9.
- Changes to the contract may require revision of DBE goals. NJDOT-Civil Rights will

review changes to determine if the goal is to be revised or if changes to the CR-266 are required.

5.7 Field Orders (see Appendix E)

The RC/PM will notify NJDOT-BLA, if during construction, an inherent job condition should arise, and said condition, if not immediately corrected or changed, would unduly delay the project completion. The Contractor will provide to the Resident Engineer and RC/PM a detailed cost proposal (materials, labor, equipment, overhead) for extra (new work). Upon approval by NJDOT-BLA, the Contractor will be instructed by Field Order to proceed with the work. Township of West Orange will use the negotiated cost to develop the formal change order and will submit the DC-173A along with backup documentation once approved and signed by Township of West Orange.

Field Orders

- The contractor shall immediately notify the Resident Engineering that there is a need for a Field Order.
- The Resident Engineer shall set up a meeting in the field to include the Contractor and the RC/PM to discuss the needed change, potential cost impacts and potential changes to the Progress Schedule.
- Once the change has been agreed upon by all parties, the Resident Engineer shall issue, after the meeting, a written description of the change using Township of West Orange field order form (Appendix E), including the reason for the immediate need for the change, impacts to the scope of work, changes to the contract time and the anticipated cost.
- The RC/PM will evaluate the Field Order request and, if acceptable, immediately notify the NJDOT-BLA by e-mail. Upon written approval from NJDOT-BLA, the Resident Engineer shall then issue a verbal approval to the contractor. The contractor can then proceed with the Field Order. The Resident Engineer will immediately prepare a written approval of the Field Order after verbal approval is given. The Resident Engineer shall record and verify all work and quantities related to the Field Order and immediately notify the RC/PM if the estimated work for the change should differ significantly from what was discussed. If there are significant differences, RC/PM shall decide whether a revised field change order is required.
- The RC/PM will proceed with inclusion of the Field Order in a Change Order at the next available Township of West Orange Governing Body meeting and submit to NJDOT-BLA for formal approval by use of a Federal Aid Change Order (Form DC-173A) as outlined above (Section 5.5).

5.8 Change Order Protests/Disputed Work

If the Contractor disagrees with any terms and conditions of a Change Order or a Field Order, a written protest must be submitted to Township of West Orange within 15 days of receipt of the Change Order in accordance with Section 104.03 of the 2019 NJDOT Standard Specifications.

Township of West Orange will notify NJDOT-BLA of the Contractor's written protest. Submission of written protest will not relieve the Contractor from obligation to proceed with the

work directed by the Change Order.

Township of West Orange will pursue a satisfactory resolution of disputed work issues or claims within a reasonable period of time as required by Standardized Changed Condition clauses per 23 CFR 635.109, NJDOT Standard Specifications and the project Supplementary Specification. The cost to settle work disputes, contract claims, or court awards must be reviewed by NJDOT prior to reimbursement as per 23 CFR 635.124. Any disputed work must be documented in the project records. Disputed work issues or claims must be resolved prior to close out of the project.

6.0 Contract Completion

Contract Completion – Time of Completion and Liquidated Damages shall be in accordance with NJDOT Standard Specification, Section 108.20. The RC/PM issues a formal “Notice-To-Proceed” (NTP), at the Pre-Construction meeting or shortly after. The NTP must include the Contract Completion Date.

The Resident Engineer with the supervision of RC/PM, schedules status review meetings periodically to evaluate the progress on the project and request progress schedule updates from the Contractor. If the Contractor falls behind the schedule, the Contractor will be notified in writing and asked to make every effort to improve the progress in accordance with the approved schedule.

The Contractor will be advised by the Resident Engineer, who will ensure that, contract time extensions will only be granted for excusable delays specified in Section 108.11 of the NJDOT 2019 Standard Specifications and shall be submitted and approved by Change Order as the project progresses and at the time an excusable delay occurs.

If the Contractor fails to complete the contract within the contract time specified in the contract documents, the Contractor will be charged liquidated damages for each working day that the Contractor fails to complete the construction project in accordance with Section 108.20 Liquidated Damages found in the supplemental specifications.

The RC/PM monitors the project progress, and the Resident Engineer and Inspector documents any contract delays throughout the duration of the project. A Contractor request for a contract time extension shall be fully justified, adequately documented, and submitted at the time the excusable delay occurred. A revised progress schedule will be submitted documenting how this delay affected the critical path of the project work. Contract time extensions need approval from NJDOT-BLA and Township of West Orange.

Liquidated Damages

Information regarding Liquidated Damages is included in the Contract Special Provisions – Time of Completion and Liquidated Damages. The 2019 NJDOT Standard Specification, Section 108.20, will be followed which defines the daily amount set forth in the contract to be deducted from the contract price to cover the additional cost incurred by Township of West Orange because of the Contractor’s failure to complete work within the specified Contract Time. The Contractor must be advised by the Resident Engineer that Liquidated Damages will be assessed at each time

that the progress schedule is not been met.

Liquidated Damages or any other penalties proposed will be assessed from the original grant amount shown in the agreement.

Progress Schedules

The RC/PM with the assistance of the Resident Engineer reviews progress schedule and monitors the contract progress to evaluate impacts to contract time in accordance with Section 153 of NJDOT Standard Specifications. Progress payments are compensation for value of work performed during a covered period as specified in Title 23 CFR 635.123. The RC/PM monitors and documents the project's progress, Contractor payments and contract completion to ensure compliance to the approved project schedule and contract time. The RC will notify NJDOT-BLA of any changes to the progress schedule as soon as changes are known.

6.1 Final Inspection

Requests for final inspection and acceptance to NJDOT-BLA shall be made by Township of West Orange no later than 30 days following Substantial Completion of construction.

The RC/PM notifies NJDOT-BLA in writing that the project is substantial completed, once all the pay items have been completed, giving the date the last item was completed.

The Resident Engineer, the Design Consultant (if retained), and the RC/PM in the presence of the Contractor will perform the pre-final inspection once all the pay items of the project have been completed. The Resident Engineer will provide the Contractor with a punch list of items to be corrected.

The RC will schedule an inspection with NJDOT-BLA. NJDOT-BLA will inspect the project site along with the RC/PM and Resident Engineer/Inspector and inform Township of West Orange of any necessary corrective action required in writing.

The RC/PM will notify the NJDOT-BLA in writing after the Contractor has corrected the work included in the punch list and the corrective action list developed by the Resident Engineer/inspector and NJDOT-BLA.

NJDOT-BLA, the RC and RE will perform the final inspection and if Township of West Orange and NJDOT-BLA deem all the work acceptable, and once the final inspection letter has been received from NJDOT-BLA, the RC/PM will begin preparing the final change order (if required), final payment, as-built quantities and all other documentation required for final payment and closeout.

7.0 Payment Procedure

Project Billing

Township of West Orange will provide NJDOT-BLA with an initial billing (payment voucher) for the construction project no later than 3 months after NJDOT-BLA has concurred in the award of the construction contract. NJDOT-BLA may receive subsequent billings (payment vouchers) monthly after the initial billing but no later than 3 months thereafter as stipulated in the project agreement. Township of West Orange understands that failure to meet the billing requirements may result in the restriction of authorization of any future FWA funding until such time as progress on timely billings is demonstrated.

The project will be considered “Inactive” if Township of West Orange fails to submit an invoice within the durations described in 23 CFR 630.106. It is Township of West Orange responsibility to ensure that the federal funding is not jeopardized for this project due to an “Inactive” project status. In general, a project is inactive if there are no NJDOT payments made within a one year timeframe.

The Contractor submits request for payments to the Resident Engineer who verifies the work and quantities and submits to the RC. The RC/PM reviews the payment request for completeness.

The monthly payment estimates are prepared based on the field measured quantities recorded in the daily inspection reports, and the summary of the pay item sheets (DC-70), and include payments for the quantities of work that have been fully completed and are acceptable to the Resident Engineer and RC/PM. Bid unit prices and calculations for item cost are verified.

The RC/PM verifies Contractor submission of certified payroll, DBE utilization report (if applicable), monthly utilization report, and training report (if applicable) and notifies the Contractor if any additional information is needed.

The RC/PM will ensure NJDOT'S Standard Specification are enforced which require prime contractors pay subcontractors and suppliers for satisfactory performance of their work. As per Section 109.05 of the NJDOT specification, payment is required either, no later than 30 days or no later than 10 days of the prime receiving payment from Township of West Orange. This includes payment of full retainage and subcontractors paying their subcontractors and suppliers. This payment details must be outlined in Form DL-72 and submitted regularly as required by Civil Rights.

All deficiencies that prevent processing will be identified and the invoice will be returned to the vendor within 10 days of receipt by letter citing the deficiencies. The return date shall be recorded in the log.

Mathematical errors or other items identified as non-payable items can be marked within the payment voucher package. Any changes must be crossed out, and the initials and date must be placed next to the change(s). The payee shall be notified of any reductions.

NJDOT will not provide payment for any IMPROPER PAYMENTS made by Township of West Orange including but not limited to following:

- The item summary sheet and source document are mismatched.
- The Steel or Iron items installed missing Buy America Certification .

- Construction materials installed missing Build America Certification
- The prime contractor executed pay items which were designated for DBE Subcontractor as approved by Civil Rights.
- When the Federal Project is INACTIVE.
- In the case of non-compliance of Federal Regulations.
- The CUF (commercially useful function) is not performed by DBE.
- Any penalty imposed by Civil Rights for lack of CUF, Shortfall in DBE goal achievement, Minimum Wage Requirement or other associated issues.

For Professional Services: The consultant sends a certified invoice with progress schedule to the RC/PM; the RC/PM reviews the invoice to ensure there are no discrepancies. If the invoice has no discrepancies, the RC/PM makes recommendation for payment per Township of West Orange procedures.

For Construction Services: The contractor sends the invoice to the Resident Engineer who reviews the invoice to ensure there are no discrepancies. If the invoice has no discrepancies, the RE recommends payment to the RC/PM; the RC/PM reviews the invoice to ensure conformance. If the invoice conforms, the RC/PM recommends payment to Contractor per Township of West Orange Procedures for an invoice to be processed by NJDOT:

- Payee has originally signed and dated the invoice form PV-C in the payee declaration box.
- Progress report shall accompany the invoice, in accordance with Section 7.5.4 of the Federal Aid Agreement. (See 7.1 below)
- Evidence of costs incurred to date in the form of payroll certifications or receipts of contractor payments.
- Federal contract compliance documents in accordance with Section 7.5.4.5 of the Federal Aid Agreement have been submitted and verified during the billing period.
- Change Orders if applicable (prior approval required)
- Cost incurred dates for all submissions are within the appropriate timeframe and the contract completion time including modifications.

7.1 Request for Partial Payment

The RC/PM prepares the documents and submits invoices for reimbursement to the NJDOT-Local Aid Office either monthly or quarterly on PV forms in accordance with Federal Aid Guidelines

Progress Reports will accompany all payment vouchers and shall include:

- 1) narrative description of work performed during the payment period and any difficulties or delays encountered;

- 2) comparison of actual accomplishments to the goals established for the payment period;
- 3) comparison, by tasks, of costs incurred with amounts budgeted, and;
- 4) comparison, by task, of work performed compared to the schedule, including a percentage of the total work completed. This requirement can be met by including a bar chart showing schedule timing and actual progress.
- 5) Copies of all contract compliance documents as completed for the voucher payment period by the Resident Engineer that is designated by Township of West Orange, a complete set of which shall be furnished by the State at kickoff and/or preconstruction meetings.
- 6) Electronic copies of the DC-29s (or DC-144 or approved equal) and an item summary sheet (DC-70 or approved equal) for that voucher payment period.

7.2 Final Payment and Closeout

Close-out documents shall be submitted by Township of West Orange to NJDOT-BLA within 6 months of receipt of acceptance by NJDOT.

Township of West Orange understands that failure to meet the time requirements for project close-out may result in the restriction of authorization of future FWA funding until such time as progress on close-out is demonstrated.

Township of West Orange may appeal decisions made by NJDOT regarding all above compliance issues on a case-by-case basis, but NJDOT reserves the right to make a final determination whether to continue funding the project or not. Township of West Orange understands that NJDOT will be reviewing the status of the federal-aid agreement and the issues associated with compliance on a monthly basis.

Final Payment and Project Closeout Submittal

The RC/PM submits the following to NJDOT once the final payment has been issued to the Contractor:

- a. Final Payment Voucher (Form PV-c) along with back up documentation (copies of the payments to the Contractors)
- b. Chief Financial Officers Certification
- c. Engineer's Certification for Project Completion
- d. Federal Aid Change Order (Form DC-173A)
- e. List of As-built quantities
- f. DC-17LA Buy America form
- g. Build America Certifications – construction materials
- h. Evidence of Contractors and sub-contractors Payroll compliance
- i. Form DC-123- Contractors Final Certificate of Compliance
- j. Form DC-126- Wage Rate Inspections- not previously submitted
- k. Form DC-127- Monthly Summary-not previously submitted
- l. Form CR-268- Final DBE/ESBE Report
- m. Form 347-2 Statement of Compliance

- n. DL-72 Contractor Certification of Payment to Subcontractors and Suppliers – if not previously submitted
- o. Evidence of Contractor's EEO compliance
- p. Form CC-257-Monthly Employment Utilization Report (electronically)- documentation of submittal to on-line portal
- q. Final Training Certification – if required
- r. DC-29's (or DC-144 or approved equal)-not previously submitted
- s. DC-70's (or approved equal) (electronically) – not previously submitted
- t. Material test results
- u. Calculations for asphalt and fuel price adjustments
- v. Calculations for steel price adjustment - if required
- w. Release Statement from Agreement for Federal Aid
- x. Letter certifying all corrective work has been completed
- y. and any other forms and/or documentation deemed necessary

The NJDOT-BLA will process the final invoice for payment to Township of West Orange and close out the federal aid agreement.

8.0 Record Retention

As per State of New Jersey Requirements, “All documents and records, from Consultant Selection through completion of Construction, up to and including payment of the final invoices and vouchers, will be retained for a minimum of 7 (seven) years following payment of final invoice and closeout of the project. Warranty item documents will be retained for a minimum of 3 (three) years from the end of the warranty period.”

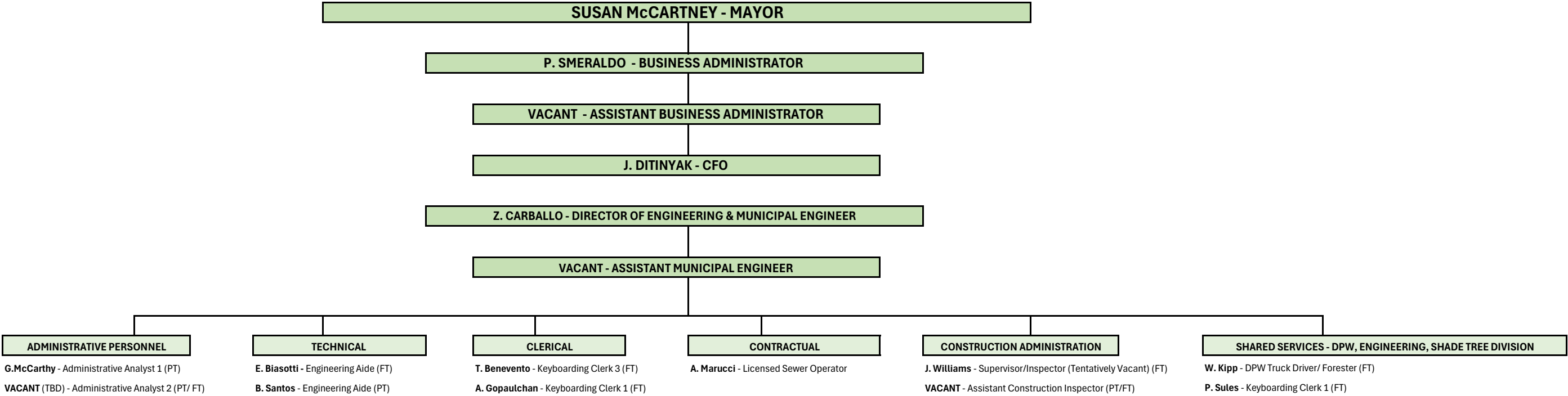
Township of West Orange is solely responsible for producing any documents required by FHWA or NJDOT during the project lifecycle during and after the project is closed out throughout the record retention period.

APPENDICES

APPENDIX A

ORGANIZATIONAL CHARTS

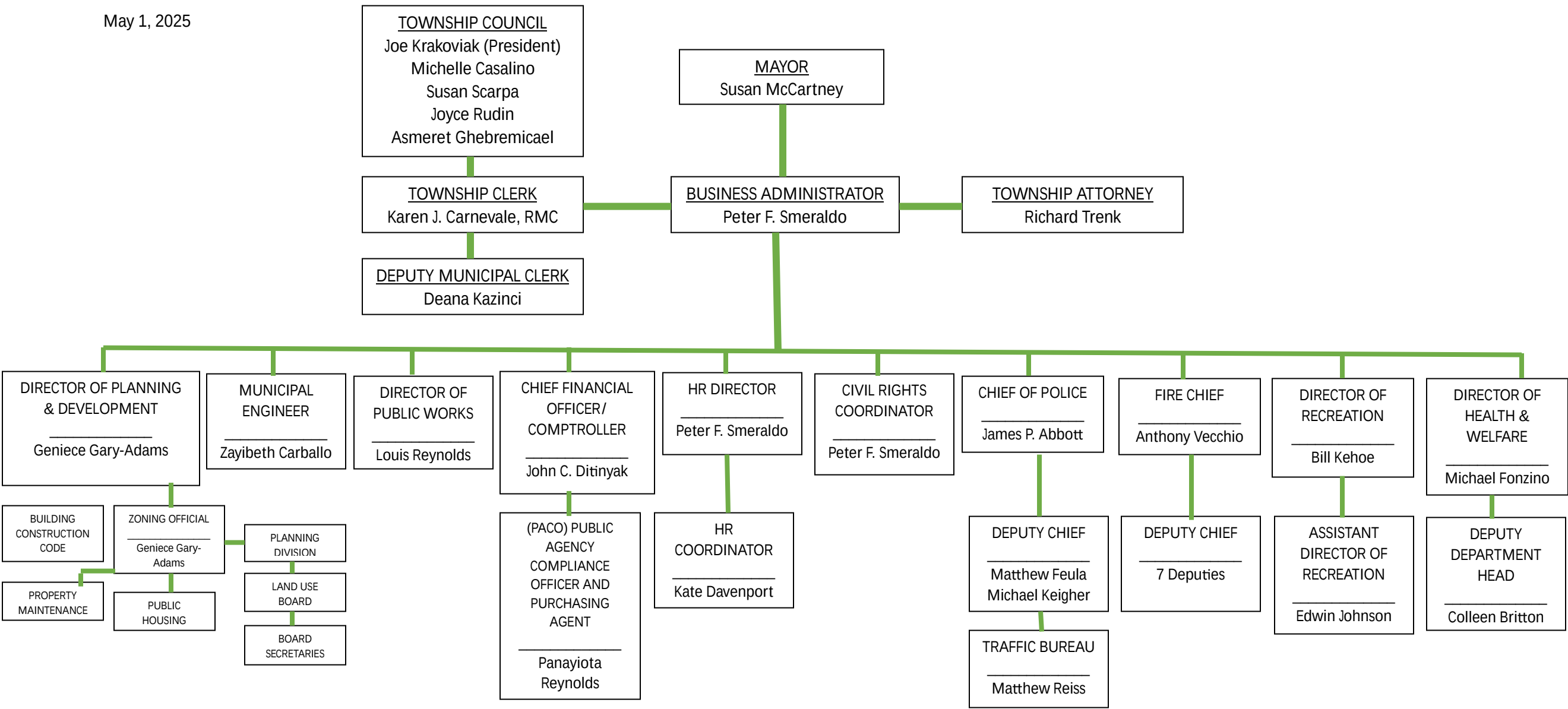
**TOWNSHIP OF WEST ORANGE
DEPARTMENT OF ENGINEERING
ORGANIZATIONAL CHART - MAY 2025**



TOWNSHIP OF WEST ORANGE ORGANIZATIONAL CHART

Gregory Avenue and Lowell Avenue Safe Routes to School Project - 2024 SRTS

May 1, 2025



APPENDIX B

SAMPLE RFP

Sample RFP - APPENDIX B

TOWNSHIP OF WEST ORANGE REQUEST FOR PROPOSAL

For

CONSULTING CIVIL ENGINEERING AND INSPECTION SERVICES

Associated with:

**XXX of
XXX, Route XXX
Section XXX
From XXX to XXX (Route XXX)
Federal Project Number: XXX**

CONTACT PERSON: _____, Director
Office of Budget & Purchasing

MAILING ADDRESS: TOWNSHIP OF WEST ORANGE
Division of Purchasing
66 Main St., Room 111, West Orange, NJ 07052

PROPOSAL DUE: 11:00 A.M. on **XXX**

REQUEST FOR PROPOSALS

Public Notice is hereby given that **SEALED PROPOSALS** will be received by the Purchasing Agent of the TOWNSHIP OF WEST ORANGE, New Jersey at 11:00am prevailing time on **XXX** in the ROOM # AND ADDRESS:

RFP- XXX

**REQUEST FOR PROPOSAL TO PROVIDE CONSTRUCTION
ENGINEERING AND INSPECTION SERVICES FOR THE XXX, ROUTE
XXX SECTION XXX FROM XXX TO XXX (XXX)
FEDERAL PROJECT NUMBER: XXX
DBE GOAL: XX.X%**

This Request for Proposals (RFP) is official notification of needed professional services. This RFP is being issued to solicit a letter of Interest (LOI) and other documents from firms qualified to perform engineering work on federal aid projects. A submittal does not guarantee that the firm will be contracted to perform any services but only serves notice that that firm desires to be considered.

Prior to negotiations, the prime consultant, and each sub-consultant (A/E firm) must be approved by NJDOT for Cost Basis. Please visit:

<http://www.state.nj.us/transportation/business/procurement/ProfServ/CostBasisApprov.shtm>
for additional guidance and requirements.

This project involves Federal funding participation. The TOWNSHIP OF WEST ORANGE will conform to the procurement requirements by "Competitive Proposal Method" under the Brooks Act and Federal Policy Guide 23 CFR 172A. The selection of a consultant must result from negotiations that utilize a qualification based selection process. The process and any resulting contract must first be review by the Department of Transportation prior to use or execution.

Specifications and blank Bid Forms may be obtained online at the following web address
<http://TOWNSHIP OF WEST ORANGE>

Any questions concerning this specification must be directed to the TOWNSHIP OF WEST ORANGE Office OF Purchasing in writing by email to WEB ADDRESS

Proposers are required to comply with requirements of NJSA 10:5-31 et seq. and N.J.A.C. 17:27

Proposers must abide by the New Jersey Prevailing Wage Act, P.L. 1963, Chapter 150.

The TOWNSHIP OF WEST ORANGE reserves the right to reject any or all proposals

By order of the TOWNSHIP OF WEST ORANGE

_____; Director,
Budget & Purchasing
TOWNSHIP OF WEST ORANGE, New Jersey

Date: XXX
XXX
XXX

**REQUEST FOR PROPOSAL
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R.F.P. REQUIREMENTS	7
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SAMPLE TOWNSHIP OF WEST ORANGE CONTRACT (PURCHASING OR RISK MANAGER ADD "SAMPLE" INSURANCE REQUIREMENTS)	12

**REQUEST FOR PROPOSALSTO ESTABLISH A VENDOR TO PROVIDE CONSTRUCTION
ENGINEERING AND INSPECTION SERVICES FOR THE XXX OF XXX, ROUTE XXX SECTION
XXX FROM XXX TO XXX (CR XXX)**

PART I - INTRODUCTION

The TOWNSHIP OF WEST ORANGE is requesting proposals for **CONSTRUCTION
ENGINEERING AND INSPECTION SERVICES FOR THE XXX OF XXX CR XXX.**

**The TOWNSHIP OF WEST ORANGE Purchasing OFFICE is the sole contact for
answering any questions relating to the RFP.**

All questions, requests for interpretations and comments shall be prepared in writing and
directed to:

_____, Director
Division of Budget and Purchasing
Department of _____
Township of West Orange
66 Main St., Room 111, West Orange, NJ 07052
973-325-4050
www.westorange.org

No firm intending to submit a proposal or any employee of any firm intending to submit a
proposal shall contact any TOWNSHIP OF WEST ORANGE employee for any reason either
directly or indirectly related to this Request for Proposal. Any firm found violating this policy
will be automatically disqualified from submitting a proposal.

Interpretations or clarifications deemed necessary by the Division of Engineering in
response to questions received from prospective Proposers will be issued by addenda
mailed or delivered to all parties recorded by the Division of Purchasing as having received
the RFP.

Addenda may also be issued by the Division Purchasing to modify the RFP as deemed
advisable by the TOWNSHIP OF WEST ORANGE of Essex County, NJ.

Copies of the RFP may be obtained from:
Division of Budget and Purchasing Bid Portal WEB ADDRESS

Proposals must be submitted on or before XXX by **11:00 a.m.** Late submissions will not be
entertained.

All proposals must be **RECEIVED** by the TOWNSHIP OF WEST ORANGE at the address
shown above no later than the deadline provided for receiving proposals in Request For
Proposals (RFP) Public Notice. Proposals shall be received no later than provided for in the
Request For Proposal notice, after which time they shall be opened and recorded. **One (1)
original, five (5) copies, and one (1) electronic .pdf file of each proposal shall be
submitted. Only one (1) proposal will be permitted from each Proposer.**

Proposals mailed or delivered to the TOWNSHIP OF WEST ORANGE shall be in sealed envelopes and clearly labeled as follows:

**DO NOT OPEN
REQUEST FOR PROPOSAL (RFP)
CONSULTING ENGINEERING SERVICES
For Construction Engineering & Inspection Services
For the XXX CR XXX**

The TOWNSHIP OF WEST ORANGE reserves the right to reject any proposal received after the deadline. The TOWNSHIP OF WEST ORANGE shall not be responsible for timeliness of mail or messenger delivery.

This proposal is irrevocable by the subscriber or by his, their or its personal or legal representatives. Any subsequent award by the TOWNSHIP OF WEST ORANGE to the subscriber shall bind the subscriber and his, their or its heirs, executors, administrators, successors or assigns.

PART II - GENERAL CONDITIONS

Instructions:

All questions must be answered.

Each proposal shall include a Letter of Transmittal which bears the original signature of an authorized representative of the vendor and which also includes the name of individuals authorized to negotiate with the TOWNSHIP OF WEST ORANGE of .

Each proposal shall include a full explanation of the services that will be provided.

Proposals shall be in sufficient detail to determine and evaluate the services provided.

One (1) original, five (5) copy, and one (1) electronic .pdf file of the completed proposal must be delivered by XXX to the TOWNSHIP OF WEST ORANGE ADDRESS, PHONE # BY **11:00 a.m.** EDT on that date. Late proposals will not be eligible for review.

Failure or inability to meet any of the requirements set forth in this RFP will be sufficient reason to disqualify prepares.

The TOWNSHIP OF WEST ORANGE reserves the right not to consider any proposal that is incomplete or that does not meet the specification requirements.

Statutory Requirements:

This project involves Federal funding participation. The TOWNSHIP OF WEST ORANGE will conform to the procurement requirements by "Competitive Proposal Method" under the Brooks Act and Federal Policy Guide 23 CFR 172A. The selection of a consultant must result from negotiations that utilize a qualification based selection process. The process

and any resulting contract must first be reviewed by the Department of Transportation prior to use or execution.

Terms:

The contract will be from **Notice of Award to the Completion of the project.**

Reservations:

The TOWNSHIP OF WEST ORANGE reserves the right to reject any and all proposals, and any part and to waive any formalities, informalities, irregularities and errors in proposals.

A written request for the withdrawal of a proposal, or any party thereof, will be granted if the request is received by the TOWNSHIP OF WEST ORANGE Purchasing Agent prior to the specified time of the proposal opening.

Interview:

The TOWNSHIP OF WEST ORANGE reserves the right to interview proposers, request clarification of proposals, request additional information, request modification or proposals and negotiate contract terms with the successful prepares.

Bidders may be asked to explain and/or clarify their proposal to a selection committee.

Exceptions and Requests for Modifications to RFP:

Any requests for modifications to the language in the RFP must be included on a separate page with the submission of the proposal. Modifications to the RFP that do not comply with the above requirements will not be considered by the TOWNSHIP OF WEST ORANGE. Exceptions to the proposed time schedule shall similarly be noted for further consideration by the TOWNSHIP OF WEST ORANGE.

Proposal Evaluation:

Each RFP will be evaluated by a team consisting of TOWNSHIP OF WEST ORANGE professional staff members.

The TOWNSHIP OF WEST ORANGE team shall consider the merits of each response and shall utilize the sample rating criteria on page 6 of the RFP

Requirements:

This project involves Federal funding participation. The TOWNSHIP OF WEST ORANGE will conform to the requirements of the Brooks Act and Federal Policy Guide 23 CFR 172A. The selection of a consultant must result from negotiations that utilize a qualification based selection process. The process and any resulting contract must first be reviewed by the Department of Transportation prior to use or execution.

Limitation Of Liability:

The TOWNSHIP OF WEST ORANGE assumes no liability for any cost incurred by Proposers in responding to this RFP or in responding to any further requests for interviews, additional information, etc. prior to the issuance of the contract document.

TOWNSHIP OF WEST ORANGE's Responsibilities:

The TOWNSHIP OF WEST ORANGE shall do the following:

Designate the following person to act as the TOWNSHIP OF WEST ORANGE's representative with respect to the services to be rendered under the contract. Such person shall have complete authority to transmit instructions, receive information, interpret and define TOWNSHIP OF WEST ORANGE's policies and decisions with respect to the Engineer's services for the project.

_____, TOWNSHIP OF WEST ORANGE Engineer
TOWNSHIP OF WEST ORANGE Division of Engineering
ADDRESS

Furnish to the Engineer, subject to availability and applicability the following information:

Existing Plans and Specifications for the project;

Furnish a typical sample of the appropriate TOWNSHIP OF WEST ORANGE "boiler plate" forms and documents as may be required during the project.

Arrange for access to and make provisions for the Engineer to enter upon public property owned by the TOWNSHIP OF WEST ORANGE.

Conduct the pre-construction conference.

Attend construction progress and other job related meetings and substantial completion inspections and final payment inspections.

Through the TOWNSHIP OF WEST ORANGE Engineer, issue a certificate of substantial completion and certify that the construction work has reached final completion and is ready for final payment.

Periods Of Service:

Pursuant to NJSA 40A:11-15(9), the Engineer's obligation to render services shall begin at the notice to proceed and start with attendance at the pre-construction conference and extend through the utility relocation phase, construction, punch-list work, final payment authorization, and final close-out of the project in accordance with the construction project schedule. Any modifications must be approved by the TOWNSHIP OF WEST ORANGE.

The consulting engineering services called for in these General Conditions and in Detailed Scope of Services shall be completed within the stipulated and/or proposed time periods indicated. Failure to provide the contract services within the stipulated time

periods shall constitute a breach of contract entitling the TOWNSHIP OF WEST ORANGE to proceed with all available legal remedies at its disposal

Payments To Consultant:

Method of Payment for Consulting Engineering Services. The TOWNSHIP OF WEST ORANGE shall pay the Engineer on a cost basis in accordance with the schedule approved by NJDOT for Cost Basis.

Payment Schedule. The Consultant may submit statements for consulting engineering services rendered. The statements shall be based upon the detailed daily statements for construction engineering and inspection services rendered and actually completed at the time of billing. Each statement shall be signed by the Engineer. The TOWNSHIP OF WEST ORANGE retains the right to withhold payment until the product defined on the Scope of Services has been delivered and approved by the TOWNSHIP OF WEST ORANGE.

Payment Due to Termination. In the event of termination by the TOWNSHIP OF WEST ORANGE under the terms of this contract, progress payments due to the Engineer for consulting engineering services rendered through the termination shall constitute total payment for such services.

Mediation Provisions for Construction Contracts:

Notwithstanding any other provisions or terms set forth elsewhere in this RFP or other Contract Documents, for any construction contract to which N.J.S.A. 40A:11-50 is applicable, either party to the contract may demand that a dispute concerning whether a party has failed to make payments pursuant to the provisions of N.J.S.A. 2A:30A-1 et. seq., or perform Work as required by the Contract Document be submitted to Alternative Dispute Resolution through non-binding mediation. If mediation is demanded, it shall be subject to the provisions set forth below.

Mediation shall not be available with regard to disputes concerning solicitation of bids, the award process or the formation of contracts or subcontracts entered into pursuant to the New Jersey Local Public Contracts Law. In addition, Mediation shall not prevent either party from pursuing any other remedy, including but not limited to injunctive relief or an action for specific performance, in the event that emergent circumstances exist or when necessary to protect the health, safety or welfare of the public.

The TOWNSHIP OF WEST ORANGE's Alternative Dispute Resolution procedures for non-binding mediation are as follows:

- A. **Controversies and Claims Subject to Mediation.** Except as specified above, If a dispute between TOWNSHIP OF WEST ORANGE and Consultant arises during the course of the contract, the parties will make a good faith effort to resolve the dispute through non-binding mediation prior to resorting to litigation,
- B. **Contract Performance Pending Mediation.** During mediation proceedings, Consultant shall continue to perform, and TOWNSHIP OF WEST ORANGE shall continue to make payments pursuant to the terms of the contract.
- C. **When Mediation May be Demanded.** Prior to either party demanding mediation, the aggrieved party shall attempt to resolve the problem directly with the other party.

In the event that the parties are unable to directly resolve a problem within 10 days of the first notice of the dispute, the aggrieved party shall promptly submit a written notice of dispute to the other party. The other party shall respond in writing.

Demand for mediation of any claim shall not be made until the earlier of the following:

- (i) Five (5) business days after the other party has provided its written response to the aggrieved party's notice of dispute;
- (ii) Thirty (30) days have passed after submission of the original, written claim by the aggrieved party and the other party has not responded.

If the written response from the other party does not resolve the dispute, the aggrieved party shall have thirty (30) days from the delivery of the other party's response to file a demand for mediation. If the aggrieved party fails to do so, it shall be deemed to have waived its right pursuant to this contract to demand Alternative Dispute Resolution.

A party who files a "Notice of Demand for Mediation" must assert in the demand all claims then known to that party for which mediation may be demanded. If a party fails to include a claim because of excusable neglect, or when a claim has matured or been acquired subsequently, the mediator or mediators may permit amendments.

- D. **Procedure to Request Mediation.** Either party may demand mediation by written notice to the other party. The written notice shall contain at minimum 1) a brief statement of the nature of the dispute, and 2) the name, address and the phone number of that party's designated representative for purposes of mediation. The other party shall designate its representative for mediation in writing no later than five (5) business days after receipt of the demand for mediation. The respective designees shall thereupon promptly, and with due regard for the need for timely action, choose a mediator. If the parties cannot agree on a mediator, they shall choose a reputable mediation firm.

Any mediation firm so chosen shall present a list of at least five (5) proposed mediators to the parties and shall provide the parties with a summary of each person's qualifications to serve as mediator. Each party shall rank the proposed mediators in order of preference.

The fifth and any lower ranked persons on each list will be excluded from further consideration.

The chosen mediator shall be the remaining person who is the combined highest ranking mediator on both preference lists, after deleting all excluded persons.

In the event of a tie, the mediator shall be chosen by lot.

- E. **Procedures at Mediation.** The mediation shall be conducted in such reasonable and efficient manner as may be agreed between the parties and the mediator or, if the parties cannot agree, as may be determined by the mediator.

The parties will not be bound by the Rules of Evidence in presenting their positions before the mediator.

- F. **Cost of Mediation.** Each party will bear its own cost of participation in the mediation. The mediator's fee will be divided equally between the parties.

- G. **Failure of Mediation.** If a good faith effort to resolve the dispute through mediation is unsuccessful within 60 days after the initial request for mediation, then either party may terminate the mediation by written notice to the mediator and to the other party. Upon the expiration of the said 60 days (or any extension thereof that has been mutually agreed to by the parties) either party may submit the dispute to the Superior Court of New Jersey, TOWNSHIP OF WEST ORANGE, for adjudication, which court shall have exclusive original jurisdiction over the dispute.
- H. **Binding Process.** Participation in the mediation process is voluntary, however the parties expressly understand and agree that if they reach any agreements as a result of mediation, such agreements will be binding to the full extent permitted by law.
- I. **Confidentiality.** As part of the mediation, the parties will be required to comply with the mediator's instructions regarding submissions and exchanges of records, statements, and other materials necessary for mediation to proceed. The parties recognize that mediation proceedings are settlement negotiations, and that all offers, promises and statements, whether written or oral, made in the course of the proceedings, are inadmissible in any arbitration or court proceeding, to the full extent allowed by applicable state and Federal laws. The parties agree to not subpoena or otherwise require the mediator to testify or produce records, notes or work product exchanged during mediation in any future proceedings, and to keep all submissions, records, notes, statements and any other materials prepared or exchanged in connection with the mediation confidential, to the fullest extent permitted by law. No recording or stenographic record will be made of mediation sessions. Mediation sessions are intended to settle claims, and the discussions that occur during mediation shall remain confidential, unless the parties mutually agree to authorize disclosures. In the event the parties do reach a settlement agreement, the terms of that settlement will be admissible in any court or arbitration proceedings required to enforce it, and will be available for public inspection to extent required by applicable state or Federal laws. All evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in mediation proceedings.

REQUEST FOR PROPOSAL REQUIREMENTS

Local Public Agency: TOWNSHIP OF WEST ORANGE Government
Request for Proposals No. X
Posting Date: Month XX, 201X

Request for Proposal Requirements

Project Title: *Construction Engineering and Inspection Services Associated with XXX of XXX, TOWNSHIP OF WEST ORANGE Route XXX Section XXX*
Project Location: *XXX Section XXX From XXX to XXX (CR XXX)*
Federal Project Number: *XXX*
Response Due Date and Time: *XX/XX/XX and no later than 11:00 am Eastern Time*

This Request for Proposals (RFP) is official notification of needed professional services. This RFP is being issued to solicit a letter of Interest (LOI) and other documents from firms qualified to perform engineering work on federal aid projects. A submittal does not guarantee that the firm will be contracted to perform any services but only serves notice that that firm desires to be considered.

Contact for Questions: John Gross, Township Administrator

Submittal requirements:

1. Letter of Interest – 5 copies (required content and instructions follow)
2. One (1) signed Affirmative Action Certification and associated
 - i. required documents for all items with Disadvantaged Business Enterprise
 - ii. (DBE) goals (sample form follows).

Submit To: TOWNSHIP OF WEST ORANGE Government

Division of Budget & Purchasing
66 Main St., Room 111, West Orange, NJ 07052
973-325-4050 www.westorange.org

Selection Procedures:

This project involves Federal funding participation. The TOWNSHIP OF WEST ORANGE will conform to the procurement requirements by “Competitive Proposal Method” under the Brooks Act and Federal Policy Guide 23 CFR 172A. The selection of a consultant must result from negotiations that utilize a qualification based selection process. The process and any resulting contract must first be reviewed by the Department of Transportation prior to use or execution.

Consultants will be selected for work items further described herein, based on the evaluation of the Letter of Interest (LOI) and other required documents. A sample Consultant Selection Rating Form that will be used to evaluate and score the submittals is included for your reference.

Requirements for Letters of Interest (LOI):

A. General instructions for Preparing and Submitting a Letter of Interest (LOI)

1. Provide the information as set out in Item B below, in the same order listed, signed by an officer of the firm. Scanned signed documents signatures are acceptable. Do not send

additional forms, resumes, brochures, or other material unless otherwise noted in the item description.

2. LOI's shall be limited to a total of twelve (12) 8 ½" x 11" pages. Ten (10) pages for Identification and Qualification and two (2) pages for the combined Key staff and Project Approach unless otherwise noted in the Project Description.
3. LOI's must be received not later than "Response Due Date and Time" as shown in the RFP header shown above. Responses received after this deadline will not be considered. Submittals must include all required attachments to be considered for selection.

B. Letter of Interest Content

1. Identification and Qualifications

- a. Provide the firm name, address of the responsible office from which the work will be performed and the name and email address of the contact person authorized to negotiate for the associated work.
- b. List all proposed sub consultants, their DBE status, and the percentage of work to be performed by the prime consultant and each sub consultant (sample Affirmative Action Certification follows). A listing of certified DBE's eligible to be considered for selection as prime consultants or sub-consultants for this RFP can be found at the New Jersey Department of Transportation's (NJDOT) website.
- c. Provide personnel resumes and such additional information concerning qualifications as may be relevant to the project. The personnel to be used on this highway construction project must demonstrate the following levels of experience:
 - i. **Engineer** (Licensed) - 10 years of relevant highway construction Experience
 - ii. **Resident Engineer** - 5 years of relevant highway construction experience
 - iii. **Highway Construction Inspector** for Duration of Construction – NICET Level III min. or qualified other with 3 years of relevant highway construction experience
 - iv. Additional **Highway Construction Inspector** for Paving Operations – NICET Level II min. or qualified equivalent.

2. Key staff and Project approach

- a. List the Project Manager and other key staff members, including key sub consultant staff and include the percent dedicated to each. Include project engineers for important disciplines and staff members that will be responsible for the work. Address the experience of the key staff members on similar projects and the staff qualifications relative to the required item qualifications.
- b. Describe the capacity of your staff and their ability to perform the work in a timely manner relative to present workload and the availability of the assigned staff.

- c. Provide a description of your Project Approach relative to the scope of services (description follows). For project specific items confirm that the firm has visited the project site. For all items address your firm's technical understanding of the project or services, as related to your firm's qualifications.

Requirements for Affirmative Action Certification:

A completed Affirmative Action Certification form is required for all items that identify a DBE goal. The consultant must identify the DBE firms with which it intends to subcontract. Include the contract participation percentage of each DBE and list what the DBE will be subcontracted to perform on the Affirmative Action Certification Form. **Copies of DBE certifications, as issued by NJDOT, for each firm listed are to be included as additional pages after the form.** If the consultant does not meet the DBE goal, the consultant must provide documentations on additional pages that it has made good faith efforts to achieve the DBE goal. Please review the DBE program based on any goals set and complete the DBE Affirmative Action Certification form as applicable. What constitutes good faith efforts is explained in detail within the DBE program information referred to above. If no goal is set then no Affirmative Action Certification form is required. New Jersey Department of Transportation's (NJDOT) DBE Program Information is available at the NJDOT's website.

A listing of certified DBE's eligible to be considered for selection as prime consultants or sub-consultants for this RFP can be found at the NJDOT's website. (<http://www.njucp.net/>)

DBE subcontracting goals apply to all prime submitting consultants, regardless of the prime's status of DBE.

Required NJDOT Cost Basis Approval for prime consultant and each sub-consultant (prior to negotiations):

Prior to negotiations, the prime consultant, and each sub-consultant (A/E firm) must be approved by NJDOT for Cost Basis. Please visit: <http://www.state.nj.us/transportation/business/procurement/ProfServ/CostBasisApprov.shtm> for additional guidance and requirements. **To use Federal-aid funds, the firm selected must either be cost basis approved by NJDOT, or must have its accounting system and a provisional overhead rate approved by NJDOT, prior to A/E firm negotiations.** This will require submittal of a self-certified or CPA certified financial package or a cognizant agency audit. A final overhead or indirect cost rate will be required prior to project close-out for cost-plus fixed fee type contracts.

Work item details:

Local Public Agency: TOWNSHIP OF WEST ORANGE, NJ

Project Location: XXX Section XXX
From XXX to XXX (XXX)

Federal Project Number: XXX

Project Phases Included: Construction Engineering/Inspection

Project Description: *****

Edit the Following as needed

The TOWNSHIP OF WEST ORANGE's proposed work will begin XXX of XXX (Station XXX) and the XXX terminus of the project is XXX of XXX (Station XXX). The proposed highway improvement work will be in-kind within the existing right-of-way, and will consist of:

1. The roadway will be milled and resurfaced within the project limits and width of roadway pavement. (The existing concrete curb limits will be maintained throughout.)
2. The roadway centerline will be reprofiled to provide for an appropriate cross slope and centerline grade.
3. Traffic signage will be replaced and added throughout the entire length of the project, as applicable.
4. Traffic striping and markings will be placed on the new roadway pavement, as appropriate. Raised pavement markers will also be installed.
5. Drainage structures throughout the project will be upgraded, reconstructed or replaced, as applicable.
6. If needed, in kind replacement of existing curb.

Estimated Construction Amount: \$ XXX

Funding: Federal Funding involved for 100% Construction and Civil Engineering/Inspection

Term of Contract: Until project completion

DBE goal: XX.X%

Required NJDOT Cost Basis Approval: Construction Engineering and Inspection

(prior to negotiations)

(Prime Consultant and each Sub-Consultant)

Request for Proposal No. _____
Item No. _____

AFFIRMATIVE ACTION CERTIFICATION

I do hereby certify that it is the intention of my company to affirmatively seek out and consider DBEs certified in the State of New Jersey, to participate as part of this proposal. (For listing of DBE certified firms see <http://www.njucp.net/>)

I understand and agree that all sub consulting in connection with this proposal, whether undertaken prior to or subsequent to the notice to proceed, shall be in accordance with the requirements for the Disadvantaged Business Enterprise Program, included elsewhere in this RFP. I understand and agree that no subcontracting shall be approved or commenced until the Department of Transportation has reviewed and approved the affirmative actions taken by my company or me.

I understand that utilization of certified DBEs is in addition to all other equal employment requirements of this RFP.

I acknowledge that this certification is to be made an integral part of this proposal.

I understand and agree that the submission of a blank certification may cause the proposal to be rejected.

I hereby certify that contact has been made with the certified DBEs listed in this certification, and that, if my company becomes the CONSULTANT, the certified DBEs have tentatively agreed to perform the services listed below.

I understand that neither my company nor I will be penalized for amounts achieved over or under the amount shown for voluntary DBE utilization that exceeds the goal.

After contract award, any change to the firms listed in this Affirmative Action Certification under race/gender conscious must have prior approval by NJDOT's and NJ Division of Civil Rights and Affirmative Action (DCR/AA)-

SUBCONSULTANTS

DBE SUBCONSULTANTS TO BE APPLIED TOWARD GOAL (RACE/GENDER CONSCIOUS)

<u>Certified DBE Name & Address</u>	<u>Service Planned</u>	<u>Planned percentage to be paid to DBE</u>
---	------------------------	---

DBE SUBCONSULTANTS TO BE USED BEYOND GOAL (RACE/GENDER CONSCIOUS)

<u>Certified DBE Name & Address</u>	<u>Service Planned</u>	<u>Planned percentage to be paid to DBE</u>
---	------------------------	---

Total Percentage Credited toward DBE Goal (Race/Gender Conscious): _____

Total Percentage of Voluntary DBE Work Anticipated over DBE Goal (Race/Gender Neutral): _____

Name of Company: _____

By: _____ Date: _____

ESTIMATED SCHEDULE FOR PERFORMANCE AND DELIVERY OF SERVICES
(sample insert project specific schedule !!!)

APPENDIX C

**SAMPLE
CONSULTANT PROPOSAL
EVALUATION FORMS & GUIDES
(DESIGN & CM/CI)**

Appendix C-1 – Design Proposal Evaluation Guide & Form

Introduction

These guidelines are provided to assist you in the evaluation of proposals received in response to a Request for Proposals (RFP). As a member of the Evaluation Committee, you represent the Township of West Orange and your reviews of the proposals must be conducted individually and professionally. Evaluation Committee members must follow the established evaluation format and be able to evaluate all proposals objectively and without bias. One of the most important elements in the evaluation process is the assurance that each Offeror is treated fairly and equally.

Evaluation Guidelines

The proposals will be evaluated in two stages. First, the submitted proposals are reviewed for responsiveness to determine if they are in compliance with the RFP submission requirements. The proposals will then be scored based upon the criteria presented on the RFP Evaluation Form which MUST be consistent the requirements of the RFP. Each proposal must be scored by multiplying the rating you determine it deserves by the weighted value of the RFP criterion on the Proposal Evaluation Form.

Pricing

The pricing is not included in this evaluation and will be negotiated once the highest scored proposal is determined.

Rating

TEN (10) BEING EXCELLENT AND ZERO (0) BEING UNSATISFACTORY. You should give considerable thought to the rating you award. The evaluation process is designed to value the judgment and assessment of each individual evaluator. As an evaluator, your scores must reflect your individual judgment based on the selection criteria. You must complete your evaluation and score each proposal prior to attending the Evaluation Committee meeting. Discussion among the evaluators is encouraged to ensure the best value for the Township is achieved. The scores will then be tabulated.

The highest scoring offeror(s) may be required to be interviewed by the Evaluation Committee. The interview/presentation is the second stage of the process. It is not mandatory; however, it is a good tool for the Evaluation Committee to use in its evaluation. It provides an opportunity to meet the key personnel. It is subjective and is not scored. You will be asked to rank the firms interviewed after all the interviews are completed. At the end of the interviews, the Evaluation Committee will have a discussion and do a final ranking of the proposals.

RFP Title: _____

Consultant: _____

Technical proposals will be evaluated on based on the evaluation criteria as stated below. The cost proposal will not be part of this evaluation. After the review committee evaluates all of the proposals and qualifications points are awarded, the cost proposal for the highest ranked technical proposal will be opened. A 10-point scale will be used to create the final evaluation recommendation. When assessing points, utilize a 1-10 scale which will then be multiplied by the weight assigned.

Appendix C-1 – Design Proposal Evaluation Guide & Form

Points	Guidance	Expected Occurrence
10	Excellent, insightful response- Meets all Evaluation Criteria for each 1 thru 8 below	Rare (<5%)
8-9	Very Good, thoughtful response – Meets 80-90% of Criteria	Occasional (20%)
6-7	Good, More than adequate response - Meets 60-70% of Criteria	Frequent (40% or >)
4-5	Adequate response, no special insights - Meets 40-50% of Criteria	Occasional (20%)
2-3	Inadequate response - Meets 20-30% of Criteria	Infrequent (< 10%)
0-1	Totally inadequate response, No response given - Meets 0-10% of Criteria	Rare (< 5%)

Evaluation

Criteria	Possible Points	Points Awarded	Weighted Multiplier	Total Points
1. Demonstration of understanding of the scope of work for the project	0-10		0.15	
2. Technical approach to the project, including the application and degree of innovation and creativity of the proposed concepts to meet the project's goals and objectives	0-10		0.20	
3. Demonstration of the team's ability to outline public outreach strategies and successfully perform the public outreach and stakeholder task	0-10		0.10	
4. Firm's professional qualifications, experience and technical competence with similar federally funded projects	0-10		0.10	
5. Qualifications and relevant experience of the project manager	0-10		0.15	
6. Project specific qualification, and demonstrated knowledge and experience of team leaders and key staff members on the proposed study	0-10		0.15	
7. Ability to successfully perform work, including availability of resources, project management expertise and experience in similar project, and quality assurance/control management ability of both the consultant firm and the project manager	0-10		0.10	
8. Quality, clarity, content and thoroughness of proposal in addressing required tasks and compliance with submission guideline, including profession presentation	0-10		0.05	
TOTAL SCORE			1.00	

Evaluator: _____

Title/Affiliation: _____

Date Evaluated: _____

REQUEST FOR PROPOSAL RATING SHEET

PROJECT NAME:

CONSULTANT TEAM:

REVIEWER:

CRITERIA	WEIGHT	MULTIPLIER POINTS	MAXIMUM TOTAL POINTS	REVIEWER POINTS	TOTAL
UNDERSTANDING OF THE PROJECT	25	1 - 3	75		
EXPERIENCE OF THE PROJECT MANAGER	20	1 - 4	80		
EXPERIENCE WITH SIMILAR PROJECTS	20	1 - 5	100		
LOCATION (PROXIMITY TO PROJECT SITE)	10	1 - 5	50		
EXPERIENCE OF RESIDENT ENGINEER/INSPECTOR	25	1 - 4	100		
TOTAL SCORE (MAX) REVIEWER'S SCORE	100		405		

RFP RATING GUIDE

PROJECT UNDERSTANDING

<u>CRITERIA</u>	<u>SCORE</u>
Demonstrates thorough and comprehensive understanding of the scope presented in the RFP . Identifies important issues, describes how they will be resolved, comment on key components of the project.	3
Demonstrates basic understanding of scope presented in the RFP .	2
The RFP is not specific, providing no evidence of project understanding. This rating also applies for a RFP that include assumptions, which are inappropriate for the project scope.	1

PROJECT MANAGER

<u>CRITERIA</u>	<u>SCORE</u> (1 if yes, 0 if no)
Served as a Project Manager on similar projects with Local Government and/or Counties	1
Served as a Project Manager on projects different than this RFP	1
Served as a Project Manager on similar projects for more than 5 years	1
Possesses relevant technical skills	1

EXPERIENCE WITH SIMILAR PROJECTS

<u>CRITERIA</u>	<u>SCORE</u>
Key personnel worked on 4 or more active or completed similar projects in the last 5 years for Local Governments and/or Counties	5
Key personnel worked on 2 or 3 active or completed similar projects in the last 5 years for Local Governments and/or Counties	4
Key personnel worked on 1 active or completed similar project in the last 5 years for Local Governments and/or Counties	3
Experience with work elements of this project.	2
No similar experience.	1

LOCATION

<u>CRITERIA</u>	<u>SCORE</u>
Consultant's office located within 10 Miles from Project Site	5
Consultant's office located more than 10 miles but less than 20 miles from Project Site	4
Consultant's office located more than 20 miles but less than 30 miles from Project Site	3
Consultant's office located more than 30 miles but less than 40 miles from Project Site	2
Consultant's office located more than 40 miles from Project Site	1

EXPERIENCE OF RESIDENT ENGINEER / INSPECTOR

<u>CRITERIA</u>	<u>SCORE</u> (1 if yes, 0 if no)
Served as an Inspector on similar projects with Local Government and/or Counties	1
Served as an Inspector on projects different than this RFP	1
Served as an Inspector on similar projects for more than 5 years	1
Possesses relevant technical skills	1

APPENDIX D

**SAMPLE
CONSULTANT CONTRACT
PERFORMANCE RATING FORMS
(CM/CI)**

TOWNSHIP OF WEST ORANGE

WEST ORANGE

Design Consultant Performance Evaluation Form

APPENDIX D
Engineering Division

PROJECT INFORMATION:

Project Name: _____

CONSULTANT INFORMATION:

Consultant Name: _____ Type of Work: _____

Consultant Address: _____

Project Manager (P.M.): _____ P.M Office Location: _____

Subconsultant Name(s): _____ Type of Work: _____

CONTRACT INFORMATION:

Contract Ceiling Price:
Original _____ No. of C.A. _____ Final _____

Notice to Proceed Date: _____

Completion Date: Original _____ Extension _____ Actual _____

TOTAL PROJECT SCORE SUMMARY

PROJECT MANAGEMENT (A)	0	0.00%
STAFF & PERSONNEL (B)	0	0.00%
TECHNICAL EVALUATION (C)	0	0.00%
PRODUCT EVALUATION (D)	0	0.00%
Total	0	
OVERALL PROJECT SCORE		0%

COMMENTS:

Evaluator(s): _____ Title: _____

Division: _____ Date: _____

TOWNSHIP OF WEST ORANGE

Design Consultant Performance Evaluation Form

APPENDIX D

PROJECT MANAGEMENT (A)		SCORE
1	Timeliness with which work was accomplished and meeting established schedules:	
2	Cooperation in meeting Township requests and making revisions:	
3	Degree of difficulty in negotiating changes in Scope or Contract:	
4	Coordination exhibited by the consultant communicating with Township, sub-consultants, agencies, and others to accomplish tasks and resolve problems:	
5	Responsive to email or phone calls:	
6	Were claims for extra work or change in scope timely and well supported:	
7	Was original description of work in the contract adequate for the project:	
8	Were the man-hours used in the most effective ways:	
9	Quality of letters, invoices, and publications:	
COMMENTS:		
Total		0
Project Management (A) Score		0.00%

TOWNSHIP OF WEST ORANGE

Design Consultant Performance Evaluation Form

Engineering Division

STAFF & PERSONNEL(B)		SCORE
1	Knowledge of Township standards, policies, and procedures:	
2	Did Staff attempt to learn the Township standards, policies, and procedures:	
3	Initiative in identifying important design or construction issues and developing alternative solutions:	
4	Did staff make a recommendation when alternate solutions were to be developed:	
5	In proposing alternatives, was sound engineering used in original design:	
6	Were the most qualified staff used to develop plans:	
7	Was the designated staff contact person completely knowledgeable and able to discuss plans and design or construction issues:	
8	Extent Township staff was used to develop acceptable product:	
9	Extent of personnel changes during life of contract:	
10	How staff conduct itself in meetings and in the public:	
11	Responsive and thorough in making revisions:	
COMMENTS:		
Total		0
Staff & Personnel (B) Score		0.00%

TOWNSHIP OF WEST ORANGE

Design Consultant Performance Evaluation Form

Engineering Division

TECHNICAL EVALUATION (C)		SCORE
1	Quality and adequacy of Preliminary Plans:	
2	Quality and completeness of computations, calculations, and schedules:	
3	Quality and completeness of responses to Township review comments	
4	Quality and adequacy of Final Plans:	
5	Quality and adequacy of Special Provisions and other documents:	
6	Quality and completeness of sub-consultant's work:	
COMMENTS:		
Total		0
Technical Evaluation		0.00%

TOWNSHIP OF WEST ORANGE

Design Consultant Performance Evaluation Form

Engineering Division

PRODUCT EVALUATION (D)		SCORE
1	Drafting quality, plan organization and clarity:	
2	Extent of corrections and re-submittals:	
3	Quality of QA/QC performed to expectations:	
COMMENTS:		
Total		0
Product Evaluation		0.00%

TOWNSHIP OF WEST ORANGE

Design Consultant Performance Evaluation Form

Engineering Division

Rating Guide	SCORE
Excellent	5
Good	4
Satisfactory	3
Substandard	2
Unacceptable	1
Not Applicable	0
COMMENTS:	

Appendix D-2

CM/CI CONSULTANT Performance Rating Instructions & Form:

Note:

Consultant Evaluations are performed per West Orange Policies and Procedures.

ONLY ENTER INFORMATION ON EACH SHEET THAT IS SHADED IN BLUE. "ANY CELLS THAT CONTAIN A RED TRIANGLE PROVIDES ADDITIONAL RATING GUIDELINES IN A POP UP FORMAT."

1. Fill out all portions of the General Information sheet that are shaded in blue. If a question is not applicable, enter "n/a".
2. Enter a rating (1, 3 or 5) for Question 5 of the PM Rating using the PM Rating Guidelines.
The Consultant Coordinator (RCC) will enter ratings for Questions 1 - 4 and 6 - 8
3. Enter a rating (1- 5) for each question on the Quality Rating sheet using the Quality Rating Guidelines.
If a question is not applicable, enter "X" in the n/a column.
Question numbers 1-9 should usually apply in all circumstances
Questions 1, 2, 5, 6, 7, 19 and 21 **REQUIRE the rater to submit a detailed justification if the rating is >3.** Simply citing the rating criteria is not acceptable justification. The rater must cite specific examples of performance.
Question 10 **REQUIRES the rater to submit a detailed justification if the rating is >4.** Simply citing the rating criteria is not acceptable justification. The rater must cite specific examples of performance.
Questions 12 & 13 are applicable if staff is responsible for office engineering functions
Questions 14 & 15 are applicable if staff performed as-builts
Question 16 is applicable if staff includes a Schedule Analyst or an RE
Question 17 is applicable if staff includes a supervisory personnel (i.e. NICET IV or RE)
Question 16 - 21 are applicable if staff includes an RE
4. You must provide comments and explain all ratings of 1's and 5's on the CES sheet.
If your comments require additional space, provide them on a separate sheet, and note "see attached".
5. On the CES sheet, enter the Rating Type (final or interim)

CM/CI CONSULTANT PERFORMANCE EVALUATION FORM
TOWNSHIP OF WEST ORANGE

Consultant: CM/CI CONSULTANT.
 Agreement: TBD
 Project: TBD
 Rating Period: _____

Quality Rater: _____
 Quality Reviewer: _____

			weight	Enter 1-5	Enter "X" if N/A
A. GENERAL					
1	Ability to work independently and be self directed		3	3	
2	Communicates effectively with Contractor and Township personnel		3	3	
3	Prepared for assignments (has appropriate plans, specifications and Standard Details when performing inspections)		1	3	
4	Reports promptly, is reliable and diligently performs duties		2	3	
5	Familiar with Township Construction Procedures and executes assignments in compliance with the Township		2	3	
B. INSPECTION					
6	Demonstrates technical knowledge of construction inspection		4	3	
7	Familiar with assignment compliance requirements (standard specification/special provision/ working drawing requirements)		2	3	
8	Inspects, monitors and coordinates the enforcement of traffic control/safety compliance standards. In addition, inspects, monitors and coordinates the enforcement of lane restrictions/follows notification procedures for unanticipated lane closures/delays.		3	3	
9	Confirms contractor used only approved materials sources and verifies materials certifications are received.		2	3	
C. ADMINISTRATION					
10	Staff completes Inspection Reports in an accurate and detailed manner.		3	3	
11	Submits reports in a timely manner		2	3	
12	Maintains office records (data entries/office filing/As-built plans)		1	3	
13	Prepares and submits monthly payment Estimates		1	3	
14	Compl. As-built quantity calcs. in accordance with Township Procedures as directed by RE.		1		X
15	Completes As-builts in a timely manner as directed by the RE.		1		X
SUPERVISOR/RE					
16	Monitors the Contractor's progress schedule		1	3	
17	Exercises oversight/ organizes inspection team to ensure all activities are monitored		3	3	
18	Responds to RFI's/ Resolves field condition issues		3	3	
19	Prepares Change Orders in accordance with the Contract in a timely manner		2	3	
20	Responds to claims/ Ensures supporting documentation is recorded		2	3	
21	Completes project closeout in a timely manner		2		X

Overall Quality Rating

3.00

APPENDIX E

SAMPLE

FIELD ORDER FORM

APPENDIX E Change Directive (Field Work Order) Form

Township of West Orange

To _____

Field Work Order No. _____

Project No. _____

Project Name _____

Basis of Field Work Order

- | | |
|--|---|
| ☐ Error / Omission | ☐ Differing Site Condition |
| ☐ Owner Request | ☐ Field Resolution |
| ☐ Value Engineering | ☐ _____ |

Project Location _____

Contract Price (indicate if zero cost)

Add: \$ _____ Deduct: \$ _____

Contract Time

- ☐ No Change ___ Days Added ___ Days Deducted

Cost Basis (check all that apply)

- | | |
|--|--------------------------------------|
| ☐ Time and Material Not to Exceed | ☐ Fixed Price |
| ☐ Allowance (described below) | ☐ Unit Price |

Your company is authorized and directed to proceed with the following (attach additional sheets if needed):

Justification:

Special Notice: This Field Work Order identifies satisfaction of all compensation and time adjustments related to this change to the Work.

Construction Manager (CM) Recommendation (if applicable)

Name: _____

Signature _____ Date _____

Architect / Engineer (A / E) Recommendation

Name _____

Signature _____ Date _____

Contractor Concurrence

Name _____

Signature _____ Date _____

Township of West Orange
Department of Administration
Division of Engineering

Project Manager Approval

Name _____

Signature _____ Date _____

APPENDIX F

SAMPLE

PROFESSIONAL SERVICES CONTRACT

SAMPLE PROFESSIONAL SERVICES CONTRACT

AGREEMENT FOR MUNICIPAL ENVIRONMENTAL CONSULTING SERVICES

THIS AGREEMENT, dated as of the ____ day of **January, 2025** between the Township of West Orange, a Municipal Corporation, in the County of Essex, and the State of New Jersey (hereinafter referred to as the “Township”), having its principal offices at 66 Main Street, West Orange, New Jersey; and **NAME OF CONSULTANT**, (hereinafter referred to as the “Contractor”), having its principal offices at **ADDRESS**.

WHEREAS, on or about November 13, 2024 the Township issued Request for Qualifications for Professional Services, (the “RFQ”) seeking to award a Professional Services Agreement for Environmental Consulting Services, a copy of the RFQ is annexed hereto as Exhibit “A;” and

WHEREAS, on December 3, 2024, the Contractor submitted the only proposal in response to the RFQ, annexed hereto as Exhibit “B,” seeking award of the Contract for Environmental Consulting Services (the “Contract”) for the scheduled hourly rates that are annexed hereto as Exhibit “C”.

WITNESSETH

1. The Contractor hereby covenants and agrees to furnish and deliver to the Township, Environmental Consulting Services consistent with the scope of services as set forth in the RFQ and the Contractor’s Proposal submitted on December 3, 2024 (the “Proposal”) for the scheduled hourly rates set forth in the Proposal.

2. In the event of any conflicts between the terms and conditions set forth in the RFQ and the Proposal, the terms and conditions set forth in the RFQ shall govern.

3. The Contractor acknowledges that it has read N.J.S.A. 10:2-1, et. seq. (Discrimination in Employment on Public Works; contract Provision), the terms of which are incorporated herein as if expressly set forth at length, and the contractor agrees to comply with and be bound by the terms thereof.

4. Neither this Agreement nor the monies to become due hereunder are assignable.

5. The acceptance of payment by the Contractor shall constitute a release of any claims or liabilities of any nature whatsoever, if any, owing to the Contractor from the Township, its agents, servants and employees.

6. Contractor agrees to indemnify and hold harmless the Township, its agents, servants and employees from and against any and all losses, damage, liabilities, and expenses which may arise or be claimed against the Township, its agents, servants and employees, consequent upon or arising out of or in connection with the within Agreement.

7. This Agreement shall be governed and construed in accordance with the laws of the State of New Jersey, without regard to its conflict of law principles. Any claim shall be brought in the Superior Court of New Jersey, Essex Vicinage. Each of the Parties hereby irrevocably consents to the service of process of any of the aforementioned courts in any such action or proceeding by the mailing of copies thereof to it by regular mail. Each of the Parties hereby irrevocably waives any objection that it may now or hereafter have to the laying of venue of any such claim, suit, proceeding, or action in such respective jurisdictions

8. This agreement is effective as of Township's adoption of an authorizing resolution by the Township's governing body.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, or caused these presents to be signed by their proper corporate officers, and caused these corporate seals to be affixed hereto.

ATTEST:

CONSULTANT

Name:

Name:

ATTEST:

TOWNSHIP OF WEST ORANGE

KAREN CARNEVALE, R.M.C
TOWNSHIP CLERK

BY: _____
MAYOR SUSAN McCARTNEY

EXHIBIT C



MUNICIPAL ENGINEERING SERVICES **GENERAL CONDITIONS AND HOURLY RATE SCHEDULE TO JANUARY 1, 2026**

Program Manager.....	\$212.00 Per Hour
Project Manager.....	\$209.00 Per Hour
Senior Professional Engineer/Project Leader.....	\$205.00 Per Hour
Professional Engineer, Environmental.....	\$200.00 Per Hour
Assoc. Professional Engineer, Environmental.....	\$195.00 Per Hour
Professional Engineer.....	\$195.00 Per Hour
Project Engineer, Environmental.....	\$190.00 Per Hour
Associate Professional Engineer.....	\$179.00 Per Hour
Project Engineer/Senior Designer II.....	\$172.00 Per Hour
Engineer/Senior Designer.....	\$161.00 Per Hour
Associate Engineer/Designer.....	\$152.00 Per Hour
Engineer, Environmental.....	\$185.00 Per Hour
Associates Engineer, Environmental.....	\$169.00 Per Hour
Senior Scientist.....	\$206.00 Per Hour
Lead Scientist/Senior Geologist.....	\$190.00 Per Hour
Scientist/Project Geologist.....	\$180.00 Per Hour
Associate Scientist/Staff Geologist.....	\$153.00 Per Hour
Environmental Technician.....	\$127.00 Per Hour
Professional Surveyor.....	\$197.00 Per Hour
Survey Manager.....	\$178.00 Per Hour
Party Chief.....	\$160.00 Per Hour
Robotic Total Station.....	\$ 84.00 Per Hour
Survey Technician.....	\$118.00 Per Hour
Chief Construction Manager.....	\$180.00 Per Hour
Construction Manager.....	\$160.00 Per Hour
Senior Construction Technician.....	\$142.00 Per Hour
Construction Technician.....	\$110.00 Per Hour
Associate Construction Technician.....	\$100.00 Per Hour
Support Staff.....	\$113.00 Per Hour
Drone Pilot.....	\$159.00 Per Hour
Drone Technician.....	\$ 86.00 Per Hour
CAD Technician.....	\$150.00 Per Hour
Professional Landscape Architect.....	\$200.00 Per Hour
Landscape Architect.....	\$181.00 Per Hour
Certified Tree Expert.....	\$162.00 Per Hour
Associates Landscape Architect.....	\$145.00 Per Hour
Principal Planner.....	\$208.00 Per Hour
Professional Planner.....	\$206.00 Per Hour
Senior Planner.....	\$177.00 Per Hour
Planner.....	\$147.00 Per Hour
Senior Leadership.....	\$212.00 Per Hour
Executive Leadership.....	\$213.00 Per Hour
Executive Leadership, Environmental.....	\$220.00 Per Hour
Managing Partner.....	\$218.00 Per Hour



APPENDIX G

TITLE VI POLICY STATEMENT

Township of West Orange

April 7, 2022

Title VI Nondiscrimination Policy Statement

It is the policy of the Township of West Orange, New Jersey to abide by Title VI of the Civil Rights Act of 1964, the Uniform Relocation and Real Property Acquisition Policies Act of 1970, Executive Order 12898 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, 42 U.S.C. 4601, 23 U.S.C. Section 324, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, the Civil Rights Restoration Act of 1987, Executive Order 11246 for Equal Employment Opportunity, the Vietnam Era Veterans Readjustment Assistance Act of 1972, N.J.S.A. 52:32-31.1 et. seq., New Jersey Law Against Discrimination N.J.S.A. 10:5-1 et. seq. and implementing regulations at N.J.A.C. 17:27 et. seq., and other related nondiscrimination laws, statutes, Executive Orders, or policies.

No person in the United States shall, on the grounds of race, creed, color, national origin, age, ancestry, nationality, marital/domestic partnership/civil union status, gender, disability, religion, affectional or sexual orientation, gender identity or expression, family status, atypical cellular or blood trait, genetic information, military services, veterans status, income level or ability to read, write or speak English, be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity which is administered by a Township of West Orange program, activity or service regardless of funding source.

Any person who believes that because of his or her race, creed, color, national origin, age, ancestry, nationality, marital/domestic partnership/civil union status, gender, disability, religion, affectional or sexual orientation, gender identity or expression, family status, atypical cellular or blood trait, genetic information, military service, veterans status, income level or ability to read, write or speak English, he or she has been excluded from participation in any program or activity which is administered by the Township of West Orange, or who believes that he or she has been denied any benefits provided by such program or activity, or believe he or she has been unfairly treated in connection with such program or activity, should contact the following office within 180 days from the date of occurrence of any violation of this policy:

John Gross, Township Administrator
Township of West Orange
66 Main St., Room 111, West Orange, NJ 07052
973-325-4050 www.westorange.org



John Gross,
Township Administrator

04/07/2022
Dated

APPENDIX H

**RESOLUTION ADOPTING FEDERAL
AID PROCEDURES**