

General Info

Total:

\$849,561,000.00

Number	Description
IFB No. 22-010R Group A	Cable, Conduit and Pull Boxes
Deadline	Allows zero unit prices and labor
09/01/2022 02:00 PM EDT	Yes
Vendor	Allows negative unit prices and labor
The Okonite Co	Yes
Submitted	
08/24/2022 04:25 PM EDT	
Signed by	
Rob Galeano	
Opened	
09/01/2022 02:03 PM EDT By [REDACTED]	

SECTION 1: INSTRUCTIONS TO BIDDERS, GENERAL PROVISIONS AND SPECIFICATIONS (SCOPE OF WORK)

- IFB No. 22-010R - GNS Federal Instructions to Bidders - Sept 2021.pdf (214 KB)
Instructions to Bidders
- IFB No. 22-010R - Goods and Services Federal Provisions - Sept 2021.pdf (262 KB)
Goods and Services Federal Provisions
- IFB No. 22-010R - Cable Conduit and Pull Boxes - Tech Specs & SOW.pdf (1.55 MB)
Tech Specs & SOW

SECTION 2: EXHIBIT AND ATTACHMENT LIST

- IFB No. 22-010R - Advertisement.pdf (20.4 KB)
Advertisement (Notice to Bidders)
- IFB No. 22-010R - RN DBE Language updt'd 11.22.19 with forms.pdf (4.56 MB)
DBE Forms
- IFB No. 22-010R - Attachment 1 - EO 291 Certification.pdf (227 KB)
Attachment 1 - EO 291 Certification

EO 271 Rider.pdf (187 KB)
Executive Order 271

Goods and Services (Federal) - Request for Change Form - 2021.pdf (29.2 KB)
Request for Change Form

Goods and Services (Federal) - EEO - 2021.pdf (32.2 KB)
EEO

Goods and Services (Federal) - Protest Procedure - 2021.pdf (70.2 KB)
Protest Procedure

Sample Paper Bid Bond (11 KB)
Sample Paper Bid Bond

Iran Disclosure 12.13.2021.pdf (130 KB)
Iran Disclosure form

Ownership_Disclosure_ 12.13.2021.pdf (153 KB)
Ownership Disclosure form

Statement of Joint Venture - For goods and services federal.pdf (73.6 KB)
Statement of Joint Venture

IFB No. 22-010R - Exhibit - Asset Management Plan Sample.xlsx (317 KB)
Exhibit - Asset Management Plan Sample

SECTION 3: ADDENDA ISSUED

IFB No. 22-010R - Addendum No. 1.pdf (2.29 MB)
Addendum No. 1

IFB No. 22-010R - Addendum No. 2.pdf (70.1 KB)
Addendum No. 2

SECTION 4: ADDENDA ACKNOWLEDGEMENT FORM

Bidder acknowledges and affirms that it has obtained, reviewed and applied all addenda issued during this bidding period. (Refer to the "Addenda Issued" section above) *

Yes

The undersigned acknowledges receipt of ____ Addenda attached hereto in the "Addenda Issued" section above. (Bidder must input the number of Addenda issued in the space provided below) *

2

Bidders must acknowledge receipt of all Addenda in the space provided above. Failure to acknowledge receipt of all Addenda may be grounds for the rejection of a Bid as non-responsive.

SECTION 5: DBE REQUIREMENTS AND GOAL ASSIGNMENT

As an aid in meeting the commitment of its Disadvantaged Business Enterprise Program, NJ TRANSIT has assigned a DBE goal on the gross sum amount of the Bid or Contract for DBE subcontracting utilization which is identified in the "Instructions to Bidders". All NJ Unified Certification Program (NJUCP) certified DBE firms, including suppliers, are eligible to participate in this Contract. NJ TRANSIT's DBE Program is accorded the same priority as compliance with all other legal obligations required by the United States Department of Transportation (USDOT). Contractors shall comply with the DBE Program requirements in the award and administration of NJ TRANSIT contracts. Failure by the Contractor to carry out these requirements shall constitute a breach of the contract, which may result in the termination of the Contract or other such remedy, as NJ TRANSIT deems appropriate.

The Bidder shall refer to NJ TRANSIT's "DBE Requirements and Forms" available for download with the electronic bidding documents, for instructions, guidance, and explanations for DBE Program obligations for contracts and subcontracts.

For this Contract, the apparent low Bidder and the second low Bidder shall identify all DBE and non-DBE Subcontractors, Subconsultants, and suppliers proposed to participate in and those solicited for this Contract, and shall complete and submit to NJ TRANSIT, in care of the Contract Specialist the mandatory DBE Forms A-First Tier DBE Utilization, DBE Form A1-Bidder Solicitation & Contractor Information, DBE Form A2-Non-DBE Subcontractor Utilization and DBE Form B-Intent to Perform as a First Tier DBE. The apparent low Bidder and the second low Bidder shall submit the DBE firm's current Certified Profile with commodity codes from the NJUCP DBE Business Directory at njucp.dbesystem.com. Additionally, the apparent low Bidder and the second low Bidder shall submit any applicable supplemental forms for Second-Tier DBE and Non-DBE firms (AA, AA1, AA2, BB, and D). All required DBE forms and NJUCP DBE Certification Profile with Commodity Codes shall be submitted to NJ TRANSIT, in care of the Contract Specialist with the Bid or within five (5) calendar days after the bid opening date. **However, Bidders are strongly encouraged to submit all mandatory documents with the Bid to prevent delay of the Contract Award. Bidders are requested to review carefully and complete the forms entirely, with no blank fields.**

Notwithstanding the date of submission of the mandatory DBE forms, all negotiations between a Bidder and any potential DBE subcontractor, subconsultant, or supplier shall be completed prior to the bid opening date. All DBE forms are included in the "DBE Requirements and Forms" available for download with the electronic bidding documents.

Failure to submit any and all mandatory DBE documentation within five (5) calendar days after the Bid Opening date shall result in a rejection of a Bid as non-responsive.

Any questions regarding the DBE requirements or the mandatory required forms for this contract should be directed to the Office of Business Development Specialist identified in the "Instructions to Bidders".

The Bidder can refer to <https://njucp.dbesystem.com/>, which is a search engine of firms certified by the New Jersey Department of Transportation, the New Jersey Transit Corporation and the Port Authority of New York and New Jersey as Disadvantaged Business Enterprises. This listing is intended as an aid in identifying DBE firms to potential Bidders and is not meant to be an all-

inclusive listing of DBE firms available for subcontracting. The Bidder may identify other firms; however, all DBE firms must be properly certified prior to award of the Contract. At the time of Bid submission, only DBE firms certified in the New Jersey Unified Certified Program (NJUCP) shall satisfy the assigned DBE goal on this IFB.

Link to the search engine of firms certified by the New Jersey Department of Transportation, the New Jersey Transit Corporation and the Port Authority of New York and New Jersey as Disadvantaged Business Enterprises

NEW SECTION 6: REQUIRED DOCUMENT LIST (The forms are attached hereto in the "Exhibit and Attachment List" section above).

Name	Omission Terms	Submitted File
DBE REQUIRED FORMS - Refer to NJ TRANSIT DBE Requirements Submit the mandatory required forms (A, A1, A2) and any applicable supplemental forms (AA, AA1, AA2). Bidders utilizing DBE firms and/or suppliers shall also submit the mandatory Forms B and BB if applicable and a NJUCP DBE certification letter.	All forms shall be completed entirely with no blank fields and submitted with the Bid or to NJ TRANSIT in care of the Contract Specialist within five (5) calendar days of the bid opening date.	Okonite -Bid 22-010R - Form A.pdf
Ownership Disclosure Form Mandatory at time of bid submission. For joint ventures, each individual firm comprising the joint venture must submit this form		Okonite - Bid 22-010R - Ownership Disclosure Form.pdf
Iran Disclosure Form Due prior to contract award. For joint ventures, each individual firm comprising the joint venture should submit this form.	Firms are encouraged to submit this form with the bid, but it is not due until prior to any contract award.	Okonite - Bid 22-010R - Disclosure Investment Activity in Iran - Form.pdf
Statement of Joint Venture Submit this form if bidding as a joint venture	This form is not required if the bidder is not a joint venture	I am not enclosing this document because the omission terms have been met.
6 Required Documents		

Name	Omission Terms	Submitted File
Certification of EO 271 Compliance Submit the mandatory required form. The form is attached hereto in the Exhibit and Attachment List above. (Vendors need only to return the certification)	Firms are encouraged to submit this form with the bid, but it is not due until prior to any contract award.	Okonite - Bid 22-010R - EO 271 Rider .pdf
Certification of EO 291 Compliance Submit the mandatory required form. The form is attached hereto in the Exhibit and Attachment List above. (Vendors need only to return the certification)	Firms are encouraged to submit this form with the bid, but it is not due until prior to any contract award.	Okonite - Bid 22-010R - Certification For EO 291.pdf
6 Required Documents		

SECTION 7: BID PRICE FORM (ITEM LIST): GROUP A

\$849,561,000.00

Item No.	GROUP A - Cable - Description	Units	Quantity	Bid Unit Price	Extension
A1	CABLE, BURIAL IN EARTH, 2 COND, 6 AWG, SIGNAL POWER, AS PER SPECIFICATION S-84, PART I (2 REELS AT 1,500 LF EA, 6 REELS AT 2,000 LF EA)	LF	15,000	\$4,074.00	\$61,110,000.00
A2	CABLE, BURIAL IN EARTH, 3 COND, 2 AWG; SOLID, SIGNAL POWER, AS PER SPECIFICATION S-84, PART I (3 REELS AT 1,000 LF EA)	LF	3,000	\$20,001.00	\$60,003,000.00
A3	CABLE, SHIELDED, BURIAL IN EARTH, 19 COND., AWG 14, SOLID CABLE, EXPRESS, AS PER SPECIFICATION S-85 (3 REELS AT 2,000 LF EA, 2 REELS AT 3,000 LF EA, 2 REELS AT 3,500 LF EA)	LF	19,000	\$16,623.00	\$315,837,000.00
A4	CABLE, 1/C, 250MCM, AS PER SPECIFICATION S-103018 (1 REEL AT 1,500 LF EA, 1 REEL AT 2,000 LF EA, 2 REELS AT 3,500 LF EA)	LF	10,500	\$7,262.00	\$76,251,000.00
A5	CABLE, 12 PR. #19 SHIELDED (COMMUNICATION) AS PER SPECIFICATIONS C-84 AND C-85 (2 REELS AT 2,000 LF EA, 3 REELS AT 3,000 LF EA, 2 REELS AT 3,500 LF EA)	LF	20,000	\$16,818.00	\$336,360,000.00
					Total: \$849,561,000.00

NEW SECTION 8: REQUIRED CERTIFICATIONS

Are you bidding as a Joint Venture? *

No

If bidding as a joint venture, enter each additional firm name comprising the joint venture by clicking the plus sign

Firm Name *

None

NEW JERSEY TRANSIT CORPORATION BIDDER'S PROPOSAL

IFB NO. *

None

New Jersey Transit Corporation

One Penn Plaza East

Newark, New Jersey 07105

The undersigned hereby declare that I/we (NAME) *

None

TITLE *

None

of (FIRM; specify your firm name; if bidding as a joint venture please also reference name of joint venture) *

The Okonite Co

Date *

8/24/22

having carefully examined the Notice to Bidders, Instructions to Bidders, Exhibits and Certifications, General Provisions, Special Provisions, Technical Provisions, Drawings and DBE Provisions and any Addenda, as listed in this Contract, and being familiar with local conditions affecting the cost of work, hereby will contract to do all work, complete, in place, according to the General Provisions, Special Provisions, Technical Provisions, Drawings, DBE Provisions and any Addenda to said Documents, and all other work in connection and incidental thereto for the amounts delineated in the Electronic Bidding Solicitation File.

I, being duly authorized, certify that the information supplied above is complete and correct to the best of my knowledge. I certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

The Bidder hereby certifies to the best of his/her knowledge and belief and under penalty of perjury under the Laws of the United States and the State of New Jersey.

(A.) NON-COLLUSION CERTIFICATION

That the Bid was executed with full authority so to do; that said Bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said Bid and in this affidavit are true and correct, and made with full knowledge that the State of New Jersey relies upon the truth of the statements contained in said Bid and in the statements contained in this affidavit in awarding the contract for the said project.

The Bidder further warrants that no person or selling agency has been employed or retained to solicit or secure such contract upon agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by Bidder.

(B.) CONTRACTOR'S CERTIFICATION OF ELIGIBILITY

Bidder hereby certifies that it is not listed on the State of New Jersey, Department of Labor and Workforce Development, Division of Wages and Hour Compliance, Prevailing Wage Debarment List or on the State of New Jersey, Department of Treasury, Consolidated Debarment Report.

Bidder also certifies that it has no exclusion on the consolidated U.S. Government, Systems for Award Management (SAM) database. To register visit www.sam.gov and follow the registration instructions.

I, being duly authorized, certify that the information supplied above is complete and correct to the best of my knowledge. I certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

If the Bidder is included on such report(s), the Bidder may not be eligible for award of Contract.

(C.) MANDATORY EQUAL EMPLOYMENT OPPORTUNITY (EEO) INFORMATION

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY (EEO) LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

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

this nondiscrimination clause.

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

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

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

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

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression

disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

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

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

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

Letter of Federal Affirmative Action Plan Approval;

Certificate of Employee Information Report; or

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

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be requested by the office from time to

time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27-1.1 et seq.

Link to the State of New Jersey Department of Treasury - Public Contracts EEO Compliance Monitoring Program Webpage
(http://www.state.nj.us/treasury/contract_compliance)

(D.) CERTIFICATION OF COMPLIANCE/ NJ TRANSIT CODE OF ETHICS FOR VENDORS

IMPORTANT NOTICE TO ALL CONTRACTORS AND CONSULTANTS

NJ TRANSIT is an instrumentality of the State of New Jersey and its employees and officers, including members of the NJ TRANSIT Board of Directors, are public servants. NJ TRANSIT, its employees and officers are governed by a number of civil and criminal laws which control how NJ TRANSIT and its personnel do business with contractors and consultants. These provisions include the Conflicts of Interest Law, N.J.S.A. 52:13D-12 etseq. and contain unequivocal and stringent restrictions relating to gifts and gratuities.

Be advised that the law prohibits the receipt of gifts and gratuities by any NJ TRANSIT employee or officer from any person, company or entity doing business - or wanting to do business - with NJ TRANSIT. Concomitantly, NJ TRANSIT's own Code of Ethics and Code of Ethics for Vendors, prohibits NJ TRANSIT employees from accepting gifts and prohibits you, the contractors and consultants, from offering any gifts to any NJ TRANSIT employee.

The term "gift" is broadly and widely defined. It includes all things and objects, tangible or intangible, including services, gratuities, meals, entertainment, tickets to events, access to membership clubs, travel costs, and lodging. Simply put, a "gift" is anything of value.

Do not, under any circumstance, tempt or put an NJ TRANSIT employee in the awkward position of having to refuse a gift or return a gift, no matter how well intentioned or innocuous the gift may be in your eyes.

The bright line rule for you and your staff in doing business with NJ TRANSIT is simple: Offer nothing and give nothing to any NJ TRANSIT employee or officer. It is your responsibility to circulate this Notice in your company and educate accordingly all personnel who do business with NJ TRANSIT.

AFFIDAVIT OF COMPLIANCE/NJ TRANSIT'S CODE OF ETHICS FOR VENDORS AND STATE OF NEW JERSEY ETHICS LAWS

a. Bidder warrants and affirms it has obtained and reviewed a copy of NJ TRANSIT's Code of Vendor Ethics and that Bidder has read and studied this document and distributed this document to all of Bidder's personnel involved in seeking to do business with NJ TRANSIT and required said personnel to fully read this document.

In addition, Bidder further warrants and affirms that Bidder has obtained and reviewed NJ TRANSIT'S document entitled "Important Notice to All Contractors and Consultants" and that Bidder has read and studied this document, including the page setting forth various New Jersey statutory provisions, and that Bidder has distributed this document to all of Bidder's personnel involved in seeking to do business with NJ TRANSIT and required said personnel to fully read this document.

b. Bidder warrants and affirms that it has issued written instructions to all of Bidder's personnel involved in seeking to do business with NJ TRANSIT instructing and requiring same to strictly adhere to the Contractor's responsibilities as set forth in NJ TRANSIT's Code of Vendor Ethics and in the "Important Notice to All Contractors and Consultants".

c. Bidder warrants and affirms that during the bidding or proposal process for the contract with NJ TRANSIT, no gratuities or other inducements have been offered or given or will be offered or given in any form including gifts, gratuities, benefits, inducements, meals (other than de minimis valued snacks such as coffee, tea, soda, pretzels, cookies, or similar non-meal items), entertainment, or any other thing of value or favors of any kind to any member of NJ TRANSIT's Board of Directors, officer or employee of NJ TRANSIT.

d. Bidder warrants and affirms that during the RFP or IFB process for the contract with NJ TRANSIT, Bidder has not and will not make any offers of employment to any member of the NJ TRANSIT Board of Directors, officer or employee directly involved with this contract, or solicit or interview therefore, directly or indirectly, without first seeking and obtaining written approval from NJ TRANSIT's Ethics Liaison Officer.

e. Bidder warrants and affirms that during the RFP or IFB process for the contract with NJ TRANSIT it has and shall promptly report in writing to NJ TRANSIT every instance that comes to the Bidder's attention and knowledge regarding any member of NJ TRANSIT's Board of Directors, officer or employee of NJ TRANSIT who has solicited or asked Bidder to provide gifts, gratuities, benefits, inducements, meals (other than de minimis valued snacks such as coffee, tea, soda, pretzels, cookies, or similar non-meal items), entertainment or any other thing of value or favors of any kind or has made any solicitation or request, directly or indirectly, for employment with or through the Bidder.

f. Bidder acknowledges and accepts that for breach or violation of the foregoing warranties and affirmations, NJ TRANSIT shall have the discretion and legal right to disqualify Bidder from bidding or

proposing for a contract between the Bidder and NJ TRANSIT.

(E.) PREVAILING WAGE (if applicable)

Bidder acknowledges and affirms that he/she has personal knowledge of or has obtained and reviewed a copy of the valid prevailing wage rates for all trades and any Building Services involved in the project for the geographical location of the project as issued by the Commissioner of the Department of Labor & Workforce Development, Trenton, New Jersey 08625.

Bidder further acknowledges and affirms that he/she has personal knowledge of or has obtained and reviewed a copy of the valid wage determination for all construction and Building Services types required in the project for the geographical location of the project as issued by the Secretary of the U.S. Department of Labor, Washington, DC 20210.

Should wage rates determined and issued by the U.S. Department of Labor conflict with those determined and issued by the State of New Jersey Department of Labor, the greater of the two rates shall apply.

(F.) AFFIRMATIVE ACTION

Bidder certifies that an Affirmative Action Program of Equal Opportunity has been adopted by the Bidder to ensure that applicants are employed, employees are treated, and the selection and utilization of contractors, subcontractors, consultants, material suppliers and equipment lessors shall be done in accordance with N.J.S.A. 10:2-1 through 10:2-4 and N.J.S.A. 10:5-31 et seq., as amended and supplemented, and the rules and regulations promulgated pursuant thereto. Bidder further certifies that it will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375, and of the rules, regulations and relevant orders of the Secretary of Labor. Said Affirmative Action Program shall address both the internal recruitment, employment and utilization of minorities and women and the external recruitment policy regarding minority and women contractors, subcontractors, consultants, material suppliers and equipment lessors.

(G.) CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

☒ **Agreement Terms**

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Required for Contracts \$25,000 or more

Instructions for Certification

By signing and submitting this Bid or proposal, the prospective lower tier participant is providing the signed certification set out below.

The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, NJ TRANSIT may pursue available remedies, including suspension and/or debarment.

The prospective lower tier participant shall provide immediate written notice to NJ TRANSIT if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

The terms "covered transaction", "debarment", "suspended", "ineligible", "lower tier covered transaction", "participant", "persons", "lower tier covered transaction", "principal", "proposal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549 [49 C.F.R. Part 20]. You may contact NJ TRANSIT for assistance in obtaining a copy of those regulations.

The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized in writing by NJ TRANSIT.

The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List issued by U.S. General Service Administration.

Nothing contained in the foregoing shall be construed to require establishment of system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings

Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to all remedies available to the Federal Government, NJ TRANSIT may pursue available remedies including suspension and/or debarment.

Exclusion - Lower Tier Covered Transaction

(1) The prospective lower tier participant certifies by submission of this bid or proposal, that neither it nor its principals [as defined at 49 C.F.R. 29.105(p) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) When the prospective lower tier participant is unable to certify to the statements in this certification, such prospective participant shall attach an explanation to this proposal.

(H.) PREVENTION OF DRUG AND ALCOHOL ABUSE IN TRANSIT OPERATIONS CERTIFICATION

☒ **Agreement Terms**

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Bidder certifies that it has established and implemented a Drug and Alcohol Misuse Prevention Program in accordance with the terms of 49 C.F.R. Part 655.

BIDDERS PLEASE NOTE:

This Certification is required only for Contractors supporting NJ TRANSIT Bus Operations Equipment Maintenance, including Contractors engaged in Engine, Revenue Service Vehicle, and Parts Rebuilding and Overhaul.

(I.) DEBARMENT AND SUSPENSION

During the performance of this Contract, the Contractor and its subcontractors must be in compliance with the U.S. Department of Transportation regulations, "Government wide Debarment and Suspension (Nonprocurement) and Government wide Requirements for Drug-Free Workplace (Grants)", 49 C.F. R. Part 29, and the FTA Master Agreement. The Contractor is solely responsible for ensuring compliance by all its subcontractors. Contractor will immediately notify NJ TRANSIT of any changes with regard to its own or its subcontractors' status. Certification must be received prior to contract award. Contractor will be responsible at its sole expense for providing conforming subcontractors, even if substitutions of proposed subcontractors are required. Failure of the Contractor to fully comply with these requirements will be grounds for NJ TRANSIT to terminate the contract for cause and for it to avail itself of any and all other remedies against the Contractor. Certification forms are to be mailed to the Contracting Officer, NJ TRANSIT Procurement Department, 6th Floor, One Penn Plaza East, Newark, New Jersey 07105-2246.

(J.) CERTIFICATION OF NO TAX LIABILITY OR FELONY CONVICTION

Bidder hereby certifies that, as of the date of execution of this Certification, the Bidder:

1. Does not have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and the Bidder
2. Has not been convicted of any felony criminal violation under any Federal law within the preceding 24 months; and the Bidder
3. Agrees that, if awarded any contract by NJ TRANSIT, the Bidder will flow down the requirements of Paragraphs 1 and 2 to all lower tier subcontractors or subconsultants involved in this work (including sub-subcontractors and sub-subconsultants, etc.), without regard to the value of any such subagreement (or sub-subagreement, etc.).

The Bidder further understands and acknowledges that the conditions and obligations herein continue through and until the date of any contract award. If any of the conditions stated herein change prior to the date of contract award, for us or for any subcontractor or subconsultant (or sub-subcontractor or sub-subconsultant, etc.), the Bidder will immediately notify the NJ TRANSIT contracting officer.

I certify under penalty of perjury that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SECTION 9 - CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS (Anti-Byrd Lobbying Certification)

☒ **Agreement Terms**

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The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal Contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal Contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Name *

Robert Galeano

Title *

District Manager

Firm *

The Okonite Company

SECTION 10: BUY AMERICA CERTIFICATION

Required for Contracts Over \$150,000

REQUIREMENT FOR PROCUREMENT OF STEEL, IRON, OR MANUFACTURED PRODUCTS (NON-ROLLING STOCK)

Bidder certifies that:

**SELECT A OR B FROM
DESCRIPTIONS BELOW: ***

(A)

(A) CERTIFICATE OF COMPLIANCE WITH 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 CFR Part 661.5.

(B) CERTIFICATE OF NON-COMPLIANCE WITH 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. 661.7.

BIDDERS PLEASE NOTE: This contract is funded in whole or in part by the United States Government through the Federal

Transportation Administration (FTA) and is subject to Federal regulations and FTA requirements. For bid submissions over \$150,000 a signed "Buy America" certificate must be included with the bid submission or the bid will be deemed "non-responsive" and therefore rejected.

Note that Buy America certificates cannot be changed after the bid opening date except in very specific instances in which a clerical error has been identified as described in current Buy America regulations. Questions regarding Buy America compliance requirements should be submitted in writing to the appropriate NJ TRANSIT Contract Specialist prior to the bid opening.

Name *

Robert Galeano

Title *

District Manager

Firm *

The Okonite Company

NEW SECTION 11: SOURCE DISCLOSURE CERTIFICATION FORM

Optional: Vendor is not required to complete.

SOURCE DISCLOSURE CERTIFICATION FORM (For Services Procurements Only) - (IF SUBMITTING AS A JOINT VENTURE, EACH FIRM COMPRISING THE JOINT VENTURE MUST SUBMIT A FORM BY CLIKING THE PLUS SIGN TO CREATE A NEW ENTRY)

PROFESSIONAL AND OTHER SERVICES N.J.S.A 52:34-13.2 CERTIFICATION

I hereby certify and say that I have personal knowledge of the facts set forth herein and am authorized to make this Certification on behalf of the Contractor.

The Contractor submits this Certification as part of its Bid in response to the referenced solicitation issued by NJ TRANSIT, in accordance with the requirements of N.J.S.A. 52:34-13.2.

FIRM SUBMITTING THIS FORM *

No bid

The following is a list of every location where services will be performed by the Contractor and all Subcontractors. *

No bid

Any changes to the information set forth in this Certification during the term of any contract awarded under the referenced solicitation or extension thereof will be immediately reported by the Contractor to the Director of Contracts, NJ TRANSIT Corporation, One Penn Plaza East, Newark, New Jersey 07105.

I understand that, after award of a contract to the Contractor, it is determined that the Contractor has shifted services declared above to be provided within the United States to sources outside the United States prior to a written determination by the Contracting Officer, that the services can not be performed in the United States, the Contractor shall be deemed in breach of contract, which contract will be subject to Termination for Cause pursuant to Article 18 of the Goods and Services General Provisions.

I further understand that this Certification is submitted on behalf of the Contractor in order to induce NJ TRANSIT to accept a Bid, with knowledge that NJ TRANSIT is relying upon the truth of the statements contained herein.

I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

CERTIFIED BY

No bid

INDIVIDUAL NAME *

No bid

TITLE *

No bid

CONTRACTOR (NAME OF ORGANIZATION OR ENTITY) *

No bid

DATE *

No bid

NEW SECTION 12: BUSINESS REGISTRATION

Optional: Vendor is not required to complete.

Are you submitting as a Joint Venture? *

No

IF SUBMITTING AS A JOINT VENTURE, EACH FIRM COMPRISING THE JOINT VENTURE MUST SUBMIT THIS FORM BY CLICKING THE PLUS SIGN TO CREATE A NEW ENTRY

In accordance with N.J.S.A. 52:32-44, all New Jersey and out of State business organizations must obtain a Business Registration Certificate (BRC) from the State of New Jersey, Department of Treasury, Division of Revenue, prior to contract award by NJ TRANSIT.

The Bidder must submit its Business Registration Certificate (BRC) and that of any named subcontractor prior to the time the contract is awarded. No contract will be awarded without proof of Business Registration with the Department of Treasury, Division of Revenue.

No contract with a Subcontractor shall be awarded by any Contractor unless the Subcontractor first provides proof of valid business registration.

Any questions in this regard can be directed to the Division of Revenue at (609) 292-1730.

The business registration form (Form NJ-REG) can be found on-line at <http://www.state.nj.us/treasury/revenue/busregcert.shtml>.

Visit <http://www.state.nj.us/treasury/revenue/busregcert.shtml>, if you do not have a business registration. (<http://www.state.nj.us/treasury/revenue/busregcert.shtml>)

Visit https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp, to verify the validity of your existing business registration.

IF SUBMITTING AS A JOINT VENTURE, EACH FIRM COMPRISING THE JOINT VENTURE MUST SUBMIT THIS FORM BY CLICKING THE PLUS SIGN ABOVE TO CREATE A NEW ENTRY

FIRM SUBMITTING THIS FORM *

None

I have obtained a "New Jersey Business Registration Certificate".

and my "New Jersey Business Registration Certificate" Number is: *

None

NEW SECTION 13: BID BOND

"GUARANTEE METHOD" BELOW REFERS TO PAPER OR ELECTRONIC BID BOND SUBMISSION. IF THE VENDOR FAILS

TO SUBMIT A BID BOND THE BID WILL BE CONSIDERED NON-RESPONSIVE.

IF SUBMITTING AS A JOINT VENTURE THE BID BOND SHOULD REFER TO THE JOINT VENTURE NAME

Bond Percentage

10.00%

Guarantee Method *

Paper Bid Bond, Certified
Check or Irrevocable Letter
Of Credit

Paper Bid Bond, Certified Check or Irrevocable Letter Of Credit

Confirmation *

I have provided a Paper Bid Bond, Certified Cashier's Check or Irrevocable Letter of Credit for 10.00% of the bid total amount. The Bid Security shall be delivered to NJ Transit's Bid Desk located at One Penn Plaza East, 6th Floor, Newark, NJ prior to the time and date set for the opening of bids or the bid shall be rejected.

SECTION 14: BIDDER'S CERTIFICATION

BIDDER'S CERTIFICATION

I hereby certify that I have full authority to execute this Electronic Bid Proposal on behalf of the Bidder named on this Electronic Bid Proposal. In executing this Electronic Bid Proposal, I hereby declare that Bidder has carefully examined the Notice to Bidders, Instructions to Bidders, Exhibits and Certifications, General Provisions, Technical Provisions, Drawings, any Addenda, DBE Provisions and all other Contract Documents required for the named Project.

Bidder further understands that this Certification is submitted on behalf of the Bidder in order to induce NJ TRANSIT to accept a Bid, with knowledge that NJ TRANSIT is relying upon the truth of the statements contained herein.

By submitting this bid, the Bidder certifies and represents that its Electronic Bid Certifications as to Addenda Acknowledgement, Non Collusion Certification, Contractor's Certification of Eligibility, Certification of Compliance/NJ TRANSIT's Code of Ethics for Contractors, Ownership Disclosure, Source Disclosure (for service Procurements only), Disclosure of Investment Activities in Iran, Prevailing Wage (if applicable), Certification Regarding Debarment, Suspension and Other Responsibility Matters, Buy America Certification, Affirmative Action, Certification for Contracts, Grants, Loans and Cooperative Agreements (Anti-Byrd Lobbying Certification), Prevention of Drug and Alcohol Abuse in Transit Operations Certification (if applicable), Debarment and Suspension, Business Registration, Bid Bond and Certification of No Tax Liability or Felony Conviction have been digitally signed by an authorized representative of the Bidder.

Bidder certifies that he/she is authorized to make this Certification on behalf of the Bidder and to the best of his/her knowledge and belief, the foregoing statement is true. Bidder acknowledges that he/she is aware that if any of the statements are willfully false, Bidder is subject to punishment.

The undersigned is a *

Employee

under the laws of the State of *

New Jersey

Company Name *

The Okonite Company

Address *

3 Garret Mountain Plaza - Suite 304

Telephone Number *

(973) 742-8080

Fax Number *

(973) 742-2156

E-Mail *

newyork@okonite.com

FEIN Number *

██████████

☒ **Agreement Terms**

*

SECTION 15: AGENCY BID CERTIFICATION (FOR AGENCY USE ONLY**)**

Optional: Vendor is not required to complete.

**** FOR AGENCY USE
ONLY****

WHEN BID IS PRINTED

We certify that this is the official electronic copy of the submitted Electronic Bid Proposal.

Contract Specialist: 

Date: 9/1/2022

Procurement Intake Unit Representative: 

Date: 9/1/2022



OWNERSHIP DISCLOSURE FORM

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY - DIVISION OF PURCHASE AND PROPERTY
33 WEST STATE STREET, P.O. BOX 230 TRENTON, NEW JERSEY 08625-0230

BID SOLICITATION # AND TITLE: 22-010R - Group A CABLE, CONDUIT AND PULL BOXES

VENDOR NAME: THE OKONITE COMPANY

PURSUANT TO N.J.S.A. 52:25-24.2, ALL PARTIES ENTERING INTO A CONTRACT WITH THE STATE ARE REQUIRED TO PROVIDE A STATEMENT OF OWNERSHIP.

1. The vendor is a **Non-Profit Entity**; and therefore, no disclosure is necessary. NO
2. The vendor is a **Sole Proprietor**; and therefore, no other disclosure is necessary. NO
A Sole Proprietor is a person who owns an unincorporated business by himself or her-self.
A limited liability company with a single member is not a Sole Proprietor.
3. The vendor is a **corporation, partnership, or limited liability company**; and therefore, disclosure is necessary. YES

If you answered **YES** to Question 3, you must disclose the following information below: (a) the names and addresses of all stockholders in the corporation who own 10% or more of its stock, of any class; (b) all individual partners in the partnership who own a 10% or greater interest therein; or, (c) all members in the limited liability company who own a 10% or greater interest therein. * NONE

NAME			
ADDRESS			
ADDRESS			
CITY	STATE	ZIP	

NAME			
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CITY	STATE	ZIP	

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CITY	STATE	ZIP	

NAME			
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ADDRESS			
CITY	STATE	ZIP	

4. For each of the corporations, partnerships, or limited liability companies identified in response to Question #3 above, are there any individuals, partners, members, stockholders, corporations, partnerships, or limited liability companies owning a 10% or greater interest of those listed business entities? NO

If you answered **YES** to Question 4, you must disclose the following information below: (a) the names and addresses of all stockholders in the corporation who own 10% or more of its stock, of any class; (b) all individual partners in the partnership who own a 10% or greater interest therein; or, (c) all members in the limited liability company who own a 10% or greater interest therein. The disclosure(s) shall be continued until the names and addresses of every non-corporate stockholder, individual partner, and/or member a 10% or greater interest has been identified. *

NAME			
ADDRESS			
ADDRESS			
CITY	STATE	ZIP	

NAME			
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ADDRESS			
CITY	STATE	ZIP	

NAME			
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CITY	STATE	ZIP	

NAME			
ADDRESS			
ADDRESS			
CITY	STATE	ZIP	

5. As an alternative to completing this form, a Vendor with any direct or indirect parent entity which is publicly traded, may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10% or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10% or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10% or greater beneficial interest. *

* Attach additional sheets if necessary



DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN FORM

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY - DIVISION OF PURCHASE AND PROPERTY
33 WEST STATE STREET, P.O. BOX 230 TRENTON, NEW JERSEY 08625-0230

BID SOLICITATION # AND TITLE: 22-010R-GROUP A CABLE, CONDUIT AND PULL BOXES

VENDOR NAME: THE OKONITE COMPANY

Pursuant to N.J.S.A. 52:32-57, et seq. (P.L. 2012, c.25 and P.L. 2021, c.4) any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must certify that neither the person nor entity, nor any of its parents, subsidiaries, or affiliates, is identified on the New Jersey Department of the Treasury's Chapter 25 List as a person or entity engaged in investment activities in Iran. The Chapter 25 list is found on the Division's website at <https://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Vendors/Bidders must review this list prior to completing the below certification. If the Director of the Division of Purchase and Property finds a person or entity to be in violation of the law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

CHECK THE APPROPRIATE BOX



I certify, pursuant to N.J.S.A. 52:32-57, et seq. (P.L. 2012, c.25 and P.L. 2021, c.4), that neither the Vendor/Bidder listed above nor any of its parents, subsidiaries, or affiliates is listed on the New Jersey Department of the Treasury's Chapter 25 List of entities determined to be engaged in prohibited activities in Iran.

OR



I am unable to certify as above because the Vendor/Bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the New Jersey Department of the Treasury's Chapter 25 List. I will provide a detailed, accurate and precise description of the activities of the Vendor/Bidder, or one of its parents, subsidiaries or affiliates, has engaged in regarding investment activities in Iran by completing the information requested below.

Entity Engaged in Investment Activities
Relationship to Vendor/ Bidder
Description of Activities

Duration of Engagement
Anticipated Cessation Date

**Attach Additional Sheets If Necessary.*

CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein, and that the Vendor is under a continuing obligation from the date of this certification through the completion of any contract(s) with the State to notify the State in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I may be subject to criminal prosecution under the law, and it will constitute a material breach of my contract(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

Robert Galeano
Signature

8/24/2022
Date

ROBERT GALEANO, DISTRICT MANAGER
Print Name and Title

NEW JERSEY TRANSIT CORPORATION

CONTRACT RIDER

STATE OF NEW JERSEY EXECUTIVE ORDER NO. 271 COVID-19 VACCINE AND TESTING REQUIREMENTS

Effective immediately and until further notice, the terms and conditions of New Jersey Executive Order No. 271 (Murphy 2021) ("EO 271"), attached hereto, are applicable to this contract.

EO 271 applies to all contracts, solicitations for a contract, extensions or renewals of an existing contract, and any exercise of an option on an existing contract, if such contract is for services, construction (including demolition, remediation, removal of hazardous substances, alteration, custom fabrication, repair work, or maintenance work), or a leasehold interest in real property through which covered workers have access to State property, and the cost or contract price thereof is to be paid, in whole or in part, with or out of New Jersey executive department or agency funds.

Prior to any contract award, all contractors must review EO 271 and, thereafter, return the attached Certification and Acknowledgment to the assigned NJ TRANSIT contract specialist.

EO 271 requires a covered contractor, as defined in EO 271, and any subcontractor, at any tier, that is party to the contract to maintain a policy that requires all "covered workers," as defined in EO 271, to either provide adequate proof to the contractor that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly. This requirement shall be deemed incorporated into the contract between NJ TRANSIT and the contractor, and must be incorporated by the contractor into all subcontracts and lower-tier subcontracts.

A covered contractor may institute a vaccination or testing policy that includes additional or stricter requirements than EO 271, so long as such policy comports with the minimum requirements of EO 271.

Violation of EO 271 may result in penalties as set forth in EO 271, however contractors and subcontractors are also advised that failure to abide by EO 271 may subject the vendor to debarment, suspension, disqualification or any other such remedies as NJ TRANSIT may deem necessary.

Attachments:

1. EO 271
2. Certification and Acknowledgment of New Jersey Executive Order No. 271

EXECUTIVE ORDER NO. 271

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and

Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, Nos. 237-244, No. 246, No. 249, Nos. 251-253, Nos. 263-264, and Nos. 266-267 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on June 4, 2021, I signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, P.L.2021, c.103 provided that following the termination of the Public Health Emergency declared in Executive Order No. 103 (2020), the Governor, Department of Health ("DOH") Commissioner (the "Commissioner"), and the head of any other State agency may continue to issue orders related to implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19 and related to vaccine distribution, administration, and management, COVID-19 testing, and data collection; and

WHEREAS, parties that contract with the State government provide essential services to the public and interact with the public on a regular basis, and because of the nature of their work, a significant portion of their workers are not able to work remotely; and

WHEREAS, ensuring the safety of the government workforce during this overall escalation in COVID-19 cases, hospitalizations, and deaths resulting from the B.1.617.2 ("Delta") variant is essential for continued operation and service to the public, and it is fitting and proper to require additional protections to the State workforce and public by requiring contractors to provide their vaccination or testing status as a

condition of entry onto State property and into State facilities, including property and facilities leased by a contractor; and

WHEREAS, the CDC has reported that new variants of COVID-19 have been identified in the United States, and that certain variants, particularly the Delta variant, are more transmissible than previous strains; and

WHEREAS, the State has experienced significant overall upticks in critical COVID-19 metrics since July of this year, including COVID-19 positive cases, the rate of transmission, spot positivity, and new hospitalizations, that warrant additional precautions in certain settings, especially those with a substantial number of unvaccinated individuals; and

WHEREAS, while over 5.7 million people in the State have been fully vaccinated against COVID-19, additional steps are necessary to ensure continued vaccinations of individuals in certain settings of concern to protect against the spread of COVID-19; and

WHEREAS, on July 6, 2021, the U.S. Department of Justice's Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization ("EUA"); and

WHEREAS, ensuring that parties that contract with the State government provide adequate COVID-19 safeguards to their workers performing on or in connection with a State government contract will decrease worker absence, reduce labor costs, and improve the efficiency of contractors and subcontractors at sites where they are performing work for the State; and

WHEREAS, the CDC has emphasized that COVID-19 vaccines are effective, in that they can prevent individuals from getting and spreading the virus, and can prevent severe illness in individuals who do contract COVID-19; and

WHEREAS, this Order is related to vaccination management, COVID-19 testing, data collection, and the implementation of CDC recommendations, and is thus authorized under P.L.2021, c.103;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Each executive department and agency, including an independent authority, shall, to the extent permitted by law, ensure that contracts or agreements entered into by the executive department or agency include a clause that the contractor or any subcontractors, at any tier, that is party to the contract ("covered contractor(s)") must maintain a policy that requires all covered workers to either provide adequate proof to the covered contractor that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly. This clause shall also be required to be incorporated into lower-tier subcontracts. Any covered worker subject to a policy maintained pursuant to this paragraph that has not provided adequate proof that the covered worker is fully vaccinated must submit to a minimum of weekly or twice weekly testing on an ongoing basis until fully vaccinated.

2. This Order shall apply to any new contract, new solicitation for a contract, extension or renewal of an existing contract, and exercise of an option on an existing contract, if it is a contract for services, construction, including demolition,

remediation, removal of hazardous substances, alteration, custom fabrication, repair work, or maintenance work, or a leasehold interest in real property through which covered workers have access to State property, and the cost or contract price thereof is to be paid, in whole or in part, with or out of executive department or agency funds. This Order shall not apply to financial assistance, including but not limited to grants, bonds, loans, or tax credits; contracts or subcontracts whose value is less than the State bid advertising threshold under N.J.S.A. 52:34-7; employees who perform work outside of the State; or contracts solely for the provision of goods.

3. Covered workers may demonstrate proof of full vaccination status by presenting the following documents to the covered contractor if they list COVID-19 vaccines currently authorized for EUA in the United States and/or the World Health Organization ("WHO"), along with an administration date for each dose:

- a. The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same;
- b. Official record from the New Jersey Immunization Information System (NJIIS) or other State immunization registry;
- c. A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist;
- d. A military immunization or health record from the United States Armed Forces; or

- e. Docket mobile phone application record or any state specific application that produces a digital health record.

Covered contractors collecting vaccination information from covered workers must comport with all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information.

4. To satisfy the testing requirement, a covered worker must undergo screening testing at minimum one to two times weekly. Where a covered contractor requires an unvaccinated covered worker to submit proof of a COVID-19 test, the worker may choose either antigen or molecular tests that have EUA by the U.S. Food and Drug Administration ("FDA") or are operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Where a covered contractor provides the unvaccinated covered worker with on-site access to COVID-19 tests, the covered contractor may similarly elect to administer or provide access to either an antigen or molecular test. If the covered worker is not working on-site during a week where testing would otherwise be required, the covered contractor's policy need not require the worker to submit to testing for that week. This requirement shall not supplant any requirement imposed by the covered contractor regarding diagnostic testing of symptomatic workers or screening testing of vaccinated workers.

5. Covered contractors must have a policy for tracking test results from testing required by this Order and must report results to local public health departments.

6. An executive department or agency shall require bidders for contracts subject to this Order to certify at the time of bid or proposal or prior to executing a contract that the bidder, if

awarded a contract, shall comply with this Order by having the policies and practices required by this Order in place, and shall collect all data necessary for compliance with this Order. Covered contractors shall certify, at the time of submission of an invoice, that they have complied with this Order during the period of time covered by the invoice.

7. For purposes of this Order, "covered worker" means any full-time or part-time worker for a covered contractor working on or in connection with a contract with an executive department or agency that requires such worker to enter, work at, or provide services in any place, site, installation, building, room, or facility in which any executive department or agency conducts official business or is within an executive department or agency's jurisdiction, custody, or control, or that relates to offering services for State employees, their dependents, or the general public.

8. For purposes of this Order, a covered worker shall be considered "fully vaccinated" for COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine. Individuals will only be considered fully vaccinated where they have received a COVID-19 vaccine that is currently authorized for emergency use by the FDA or the WHO, or that are approved for use by the same. Workers who are not fully vaccinated, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, shall be considered unvaccinated for purposes of this Order.

9. Nothing in this Order shall prevent a covered contractor from instituting a vaccination or testing policy that includes additional or stricter requirements, so long as such policy

comports with the minimum requirements of this Order. A covered contractor may also maintain a policy that requires more frequent testing of covered workers.

10. The Commissioner is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination and testing data to the DOH. Actions taken by the Commissioner pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

11. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

12. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order.

13. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

14. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

15. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor.

GIVEN, under my hand and seal this
20th day of October,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**CERTIFICATION AND ACKNOWLEDGEMENT OF NEW JERSEY
EXECUTIVE ORDER NO. 271 (MURPHY 2021) ("EO 271")**

On behalf of _____ (Name of Entity/Company/Business Association) (hereinafter "Prospective Contractor"), I hereby certify that, as of the date of execution of this Certification and Acknowledgment, the Prospective Contractor:

1. Has read and reviewed the terms and conditions of EO 271; and
2. Has the policies and practices required by EO 271 in place; and
3. If awarded a contract by NJ TRANSIT, will collect all data necessary for compliance with EO 271; and
4. If awarded a contract by NJ TRANSIT, will certify, at the time of submission of an invoice, that we have complied with this Order during the period of time covered by the invoice; or
5. Already has a vaccination or testing policy in place that includes the same, additional or stricter requirements than EO 271, and such policy comports with the minimum requirements of EO 271.

The Prospective Contractor understands and acknowledges that the conditions and obligations must be flowed down to, and made a part of, all contracts with subcontractors at any tier.

The Prospective Contractor further understands that the requirements of EO 271 have the same force and effect as if they were included in the contract documents, and that all remedies available to NJ TRANSIT in the contract documents are applicable to the Prospective Contractor's compliance with EO 271 and the representations contained within this Certification.

I certify under penalty of perjury that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Signature

Brett Halloran

Type or Print Name

UP - Employee Relations

Title

8/17/22

Date



CERTIFICATION FOR EXECUTIVE ORDER NO. 291

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY - DIVISION OF PURCHASE AND PROPERTY
33 WEST STATE STREET, P.O. BOX 230 TRENTON, NEW JERSEY 08625-0230

On March 2, 2022, Governor Murphy signed [Executive Order 291](#), which is attached here. In part, EO 291 requires that "The Division of Purchase and Property in the Department of the Treasury shall review relevant State contracts to determine if any are with companies owned or controlled by the government of Russia, Belarus, or their instrumentalities, or businesses that invest directly in such companies, directly or as subcontractors".

Your company has been identified as one which has an active contract with the State of New Jersey. As a Contractor, pursuant to the State of New Jersey Standard Terms and Conditions, your company must comply with all local, State and Federal laws, rules and regulations – this includes executive orders. Accordingly, please select the appropriate response below.



I, on behalf of the Contractor identified below, certify that neither the Contractor nor any subcontractors used by the Contractor to provide goods or services to the State of New Jersey, is owned or controlled by the government of Russia, Belarus, or their instrumentalities; and, that neither the Contractor nor any subcontractors invest directly in any company that is owned or controlled by the government of Russia, Belarus, or their instrumentalities.

OR



I, on behalf of the Contractor identified below, am unable to certify that neither the Contractor nor any subcontractors used by the Contractor to provide goods or services to the State of New Jersey, is owned or controlled by the government of Russia, Belarus, or their instrumentalities; and, that neither the Contractor nor any subcontractors invest directly in any company that is owned or controlled by the government of Russia, Belarus, or their instrumentalities.

Please identify/explain the ownership, control and or investment activities of the Contractor or subcontractor below.
Attach Additional Sheets If Necessary.

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Contractor, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein, and that the Contractor is under a continuing obligation from the date of this certification through the completion of any contract(s) with the State to notify the State in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I may be subject to criminal prosecution under the law, and it will constitute a material breach of my contract(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

Robert Galeano

Signature Authorized Representative

8/24/2022

Date

ROBERT GALEANO - DISTRICT MANAGER

Print Name and Title Authorized Representative

THE OKONITE COMPANY

Print Name of Contractor

Please complete and return this certification to NJSTART Vendor Administration Team by Monday, March 7, 2022 at 10:00 am eastern time. The certification may be emailed to njstart@treas.nj.gov.