



STATE OF NEW JERSEY
DEPARTMENT OF HEALTH

Office of the Commissioner COVID-19 Testing Unit Request for Quote (RFQ) for COVID-19 Testing Services for the State of New Jersey

1.0 INFORMATION FOR BIDDERS

Question and Answer Period:

Bidders must submit questions to centralprocurement@doh.nj.gov by 12PM EST on Tuesday, September 20, 2022

Quotes Due:

Bidders must submit Quotes to centralprocurement@doh.nj.gov by 3PM EST on Wednesday, September 28, 2022

Contract term: 12 months from contract award or until 30 days after fully advertised RFP is executed.

1.1 Program Overview

Purpose and Intent

The NJ Department of Health seeks to procure vendors to support various COVID-19 testing services throughout the state. The turnkey service solutions shall include, the implementation, management, staffing, equipment, supplies, shipment, and daily operations, needed to perform COVID-19 testing, including all required reporting.

The State of New Jersey ("State") anticipates this RFQ may result in a multi-vendor Contract award as the RFQ is structured to address the best interest of the State in each aspect of the State's testing program. The intent of the State of New Jersey ("State") is to award one (1) or more Contract(s) to those responsible Bidder(s) whose Quote(s), conforming to this RFQ are most advantageous to the State, price and other factors considered. If one (1) Bidder cannot provide all Services for the entire State as defined herein, the State will award multiple contracts to ensure access to testing services statewide. The NJ Department of Health (NJDOH) will solicit qualified Bidders to provide COVID-19 testing throughout the State of New Jersey. Vendor(s) will

provide supplies to support an end-to end COVID-19 testing experience by maximizing resources available throughout the state. The State may choose to award all price lines. The State, however, reserves the right to separately procure individual requirements that are the subject of the Contract during the Contract term, when deemed by the Commissioner, Department of Health, or its designee, to be in the State's best interest. Bidders are not required to submit Quotes for all services to be considered for award. Interested Bidders can submit a Quote to provide one (1) or multiple outlined testing service types identified below in Section 2.3 as directed by the RFQ Section 3.0 *Bidder Quote Preparation and Submission Requirements*. Quotes will be evaluated in accordance with the RFQ Section 4.0, *Quote Evaluation*.

The State of NJ Standard Terms and Conditions (SSTCs) and the Waivered Contracts Supplement to the State of NJ Standard Terms and Conditions accompanying this RFQ will apply to all Contract(s) made with the State. These terms are in addition to the terms and conditions set forth in this RFQ and should be read in conjunction with them unless the RFQ specifically indicates otherwise.

The State with the consent of the Vendor(s), may make use of any contract resulting from this RFQ available to other State departments, agencies, or authorities as delineated in this statewide waiver. State departments, agencies, or authorities will interface with vendor(s) independent of NJ Department of Health (NJDOH).

1.2 Background

Due to the devastating impact of COVID-19 throughout the State of New Jersey, since early 2020 the State of New Jersey has actively tracked the outbreak of a novel coronavirus

New Jersey began COVID-19 testing planning in the context of considerable unknowns regarding testing safety, efficacy, availability and timelines, federal distribution logistics, supplies, and funding resources, public demand, likelihood of community protection through testing and vaccination, and other factors. As we begin the shift from pandemic to endemic phase, it is critical to ensure we can maintain current services with the flexibility to adapt as needs may change going forward.

2.0 SCOPE OF WORK – REQUIREMENTS OF THE VENDOR(S)

2.1 General Requirements

The Vendor shall provide Turnkey Testing Administration Services. Turnkey Testing Administration Services, COVID-19 test processing services, clinical and administrative staff, testing material, logistical and support Services, including the needed furniture (tables, chairs, etc.), technology and reporting services (i.e., all required state and federal reporting).

The turnkey service solution shall include, at a minimum, the implementation, management, staffing, equipment, and daily operations needed to operate state sponsored testing clinics, including all required reporting.

2.2 Project launch meeting

Upon award, the NJDOH will initiate a Project Launch Meeting to engage the Vendor(s). Upon notification, the Vendors shall confirm participation/attendance at the event. This meeting shall include discussion on topics including, but not limited to:

- A. Proper methods and channels of communication between the Vendor(s) and the State Contract Manager (SCM);
- B. Development of reporting format and mechanisms;
- C. Status Meeting Schedule cadence and agenda;
- D. Any additional information pertinent to Vendor(s) operations in connection with this Contract.

2.3 Turnkey Testing Administration Services.

As part of this service, the Vendor shall assist the NJDOH in the development, implementation and maintenance of a COVID-19 testing request intake process to support the implementation of the Turnkey Testing Administration Services.

2.3.1 Service Types

The Vendor(s) shall provide services as described below, (“Service Types”):

A. Vendor-managed Static or Pop-up Testing Site:

Vendor will be assigned to site(s) and be responsible for patient registration, provision of tests, collection of specimens, laboratory processing, and delivery of results to patients and all applicable health authorities. The State, in its sole discretion, will designate static or pop-up testing sites based on various factors, including, but not limited to: (i) data on COVID-19 transmission and public access to testing; (ii) emerging hot-spots of COVID-19 transmission; (iii) sites with high-risk populations. Vendor should be prepared to provide PCR, Pooled PCR, and antigen tests at designated sites in the regions or areas it has identified it is able to serve in response to this RFQ. Sites may be indoors or outdoors depending on local needs.

B. Bulk Test Kit Distribution:

Vendor will be responsible for shipment, and, where applicable, pickup of test kits to designated locations. patient registration, provision of tests, collection

of specimens, laboratory processing, and delivery of results to patients and all applicable health authorities. Vendor should be prepared to provide PCR, antigen, and over-the-counter (OTC) antigen self-tests. Shipments will be sent to various locations including but not limited to nursing homes, schools, homeless shelters, and local health departments.

C. Direct-to-Consumer At-Home Test Kit Distribution:

Vendor will be responsible for provision of test kits, shipment to New Jersey residents (consumers must have a New Jersey shipping address), and, where applicable, for polymerase chain reaction (PCR) tests, telehealth visit capability for supervision of specimen collection, return shipment to laboratory for processing, and delivery of results to patients and all applicable health authorities. Vendor should be prepared to provide both PCR and over-the-counter (OTC) antigen self-tests.

2.4 Vendor Specifications

2.4.1 COVID-19 Test Processing Services

Vendor(s) shall:

- A. Provide all testing supplies. This may include, at minimum, swabs, barcode labels, tubes, specimen bags, and shipping materials for transport to laboratories. Testing kits provided must be FDA-approved molecular (polymerase chain reaction (PCR), saliva, etc.), or antigen tests, able to detect SARS-CoV-2 virus.
- B. Provide all administrative/support supplies. This may include paper towels, hand sanitizers, disinfectant, pens, printer, computers/tablets and WiFi if electronic registration and processing is required onsite.
- C. Provide all peripheral supplies related to vendor-managed site setup. This may include tables, chairs, signage, and tents.
- D. Provide a specimen collection team of trained staff for individual and pooled PCR testing
 - 1. Individual Testing – one sample per person
 - 2. Pooled Testing – samples from multiple individuals combined into one sample
 - i. If pooled testing is performed and the pool is positive, the lab **must** be able to identify the individual(s) who were positive without resampling the individual members of the pool.

- E. Provide transport or courier service for delivery of supplies to and from designated testing sites.
- F. Provide transport or courier service for delivery of collected specimens to laboratory for processing.
- G. Manage all inventory maintenance to ensure adequate supplies on hand at all times during vendor-managed testing clinics. Coordinate with designated site staff if storage of materials is required for multi-day events.
- H. Maintain Clinical Laboratory Improvement Amendments (CLIA) certification or an active contract with a CLIA-certified laboratory.
- I. Execute setup, breakdown, and sanitization of testing areas.
- J. Provide appropriate biohazard waste collection and disposal.
- K. Manage non-medical waste disposal
 - i. Provide trash cans, liners, and any other necessary waste materials.
- L. When notifying the person, or their parent/guardian if a minor, receiving the individual test results, direct them to appropriate CDC and CDS guidelines so they are aware of next steps;
- M. Comply with all requirements set forth by the NJ Department of Health Communicable Disease Service (CDS) regarding COVID-19 testing found here: [COVID Reporting Guidance.pdf \(state.nj.us\)](#).
- N. Meet federally required provisions for the administration of COVID-19 testing including:
 1. CLIA regulations: (<https://www.govinfo.gov/content/pkg/USCODE-2011-title42/pdf/USCODE-2011-title42-chap6A-subchapII-partF-subpart2-sec263a.pdf>)
 2. HIPPA: <https://www.hhs.gov/sites/default/files/ocr/privacy/hipaa/administrative/combined/hipaa-simplification-201303.pdf>)
 3. CMS guidance on reporting results (<https://www.cms.gov/files/document/qso-21-10-clia-revised.pdf>). .

2.5 Logistical and Support Services

Vendor(s) shall:

- A. Develop and implement a registration, check-in, and identity validation process for all test recipients in accordance with each Service Type and site specification.
 - i. Provide both scheduled and walk-up appointments for all applicable Service Types.
 - ii. Ensure that the operational plan separates on-site registration for scheduled appointments and walk-ups.

- iii. Execute traffic control procedure to ensure appropriate physical distancing for any participant lines onsite.
- B. Develop and implement a consent process for all individuals under the age of 18.
- C. Provide a team lead plus staff for check-in, observation of specimen collection and/or assistance with collection, packaging of specimens for shipment to lab, breakdown, and cleanup of testing area.
- D. Provide a logistics team to manage interactions, coordinate with designated school staff, and address any medical emergencies (EMT or licensed medical professional).
 - i. SCM will facilitate linkage of Vendor and local partners when deploying a new testing site.
 - ii. Vendor team should work collaboratively with a designated Point of Contact (POC) at the testing site on all aspects of program planning and implementation.
 - iii. Vendor team should also be prepared to effectively and efficiently troubleshoot any issues that arise. Issues may include, but are not limited to, delivery issues, specimen collection issues, results management, and guidance for isolation and quarantine protocols.

2.6 Technology and Reporting Services

Vendor(s) shall:

- 2.6.1 Provide a secure, web-based technology platform to enable access to reports for designated NJDOH personnel and designated site POCs at any time.
- 2.6.2 Platform must enable retrieval of pooled testing or individual testing results for designated POCs in a timely manner.
- 2.6.3 Platform should enable tracking of pooled testing results at the pool level
- 2.6.4 Platform, results, and reports must be available in English and Spanish. Additional languages may be requested to appropriately serve the diverse population of the State of New Jersey including Arabic, Bengali, Chinese (Mandarin, Cantonese, and other Chinese languages), French, Haitian Creole, Gujarati, Hindi, Korean, Polish, Spanish, Tagalog, and Yiddish.
- 2.6.5 Provide capability to print lab requisitions or other hard copy documentation necessary.
- 2.6.6 Report results to designated Point of Contact (POC) within three (3) calendar days of testing, as a condition of full payment.
- 2.6.7 Results reporting shall be provided directly to the tested individual, or parent/guardian if a minor, in line with the consent process developed by the Vendor and to applicable health authorities mandated by State and federal requirements as referenced in 2.4.1.M and 2.4.1.N.

2.6.8 Provide a weekly report that contains the following metrics, at minimum:

- Total number of testing sites served;
- Total number of pooled tests processed;
- Average number of swabs per pooled test;
- Total number of pooled testing results by outcome (positive, negative, invalid, or other similar categories);
- Total number of individual tests performed (positive, negative, inconclusive, or other similar categories) and test reason (follow up testing to a positive pool, close contact testing, or symptomatic testing);
- Total number of individual diagnostic testing results by test type (e.g., pooled PCR, individual PCR, antigen, etc.);
- Average turnaround time for all tests requiring laboratory processing, including the number of such tests with a turnaround time greater than 24 hours;
- Any known incidents of specimens requiring laboratory processing not arriving at the Authorized Processing Laboratory within 24 hours of specimen collection having been made available by the testing site; and
- Demographic data such as age, sex, race/ethnicity, municipality, and county of residence.

2.7 Staffing

The Vendor(s) shall, at a minimum:

- A. Determine needs, including clinical, administrative, and logistical support. At a minimum, the Vendor(s) shall ensure that each Service Type possesses adequate staffing of authorized testing staff to prevent extended wait times, as well as operational, planning, logistical, financial, and administrative staff as necessary.
- B. Within 24 hours, respond to any SCM request concerning the delivery of Service Types including, but not limited to, a detailed description of staffing at testing sites, average wait times at static or pop-up sites or delivery time for test results. If the SCM deems the staffing for any Service Type to be inadequate, the SCM may direct the Vendor to revise the operation plan submitted under 2.9 below for the Service Type within a time frame designated by the SCM in the request for a revised operation plan. The SCM's request may be by static or pop-up location. Following approval by the SCM, the Vendor shall implement the revised operation plan.
- C. Provide staff that are bi-lingual in Spanish and incorporate a language service into the Vendor's operations for top languages spoken in New Jersey beyond English, including but not limited to Arabic, Bengali, Chinese (Mandarin, Cantonese, and other Chinese

languages), French, Haitian Creole, Gujarati, Hindi, Korean, Polish, Spanish, Tagalog, and Yiddish. The Vendor(s) must provide the needed bi-lingual staff or incorporate a language service, regardless of Service Type.

2.8 Invoicing and Payment

The awarded Vendor(s) shall develop, implement, and maintain a billing procedure for turnkey testing services that adheres to the following, at minimum:

- A. For all individuals that possess insurance, claims must be submitted accordingly to the applicable insurance payor. Vendor(s) must seek no reimbursement, including through balance billing, from the testing recipient. The only exception to this is for employees of the State of New Jersey participating in the State's employee testing program. Individuals that fall under this category shall be billed to the State unless directed otherwise by the SCM.
- B. For all individuals that do not possess insurance, the Vendor(s) shall bill the State.
- C. Vendor(s) shall invoice the State for all other Turnkey Testing Services completed. The State will pay in accordance with the Prompt Payment Act, N.J.S.A. 52:32-32 et seq.
- D. Invoices must include detailed line listings of all testing services stratified by service type and location.

2.9 Turnkey Testing Operations

For each Service Type, the NJDOH will provide the awarded Vendor(s) with locations throughout the State and when appropriate, partner the awarded Vendor(s) with community stakeholders which may include but are not limited to schools, state agencies, community and faith-based organizations. All personnel must undergo criminal history background checks prior to assignment at any school district in accordance with N.J.S.A. 18A:6-7.1. Vendors will have 72 hours to mobilize a pop-up testing site upon SCM request.

Vendor(s) shall have the capacity to deliver bulk shipments of test kits to desired locations within NJ within 7 calendar days of request.

Vendor(s) shall have the capacity to mobilize a direct-to-consumer home testing program within two weeks of SCM request. Tests are expected to be delivered to consumer within 72 hours of request. If PCR test is requested, result is expected within less than 72 hours of receipt by laboratory.

The awarded Vendor(s) shall have the capacity to provide a turnkey testing service solution seven days per week and between the hours of 7:00AM (Eastern Time (“ET”)) to 9:00PM ET. Turnkey Testing Vendor Services include, at a minimum:

An operation plan provided to the SCM within 24 hours of request for site that demonstrates the Vendor can successfully administer all testing types. SCM will approve operation plan.

- A. Administration planning and implementation, including the site logistical floor plans and clinic flow (space for queuing, registration for the DOH or Entity provided location, education/clinical questions, storage of the testing kits, testing administration and preparation, and observation) for all Service Types.
- B. Staffing as referenced in Section 2.7 of this RFQ.
- C. Registration and Scheduling
- D. Reporting as referenced in Section 2.6 of this RFQ.
- E. Testing Equipment and Supplies
- F. Garbage and Biohazard Waste Removal, including, but is not limited to, the removal of all hazardous and non-hazardous waste in compliance with all State, federal, and local requirements.
- G. Licensed/registered vehicles, where applicable.
- H. Vendors will coordinate testing with local health departments and community partners to provide services with culturally and linguistically appropriate standards and work within existing trusted community partnerships.

All COVID-19 testing, shall be in accordance with this solicitation, including its attachments and any addenda.

2.10 Privacy and Security

The vendor will maintain the privacy and security and preserve the confidentiality, integrity and accessibility of information collected, accessed or obtained in support various COVID-19 testing services throughout the state. The vendor will comply with all federal and State laws applicable to the privacy and security of information collected, accessed or maintained, which may include, but not be limited to, the requirements of the State of New Jersey’s Statewide Immunization Registry Act and rules (N.J.S.A. 26:4-131, et seq. and N.J.A.C. 8:57-3.1, et seq.), the New Jersey Identity Theft Prevention Act (N.J.A.C. 56:8-161, et seq) and the Health Information Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191 and the regulations promulgated thereunder by the U.S. Department of Health (the HIPAA

Regulations), as updated by the Health Information Technology for Economic and Clinical Health (HITECH) Act, enacted under Title XII of the American Recovery and Reinvestment Act of 2009, and other applicable laws. The vendor shall ensure the security and privacy of information systems is aligned with the administrative, physical and technical controls and objectives, as documented in the Statewide Information Security Manual (SISM) (<https://www.cyber.nj.gov/NJ-Statewide-Information-Security-Manual.pdf>), including but not limited to secure data storage and encryption. The SISM is derived from applicable State and federal laws; industry best practices including, but not limited to, National Institute of Standards and Technology (“NIST”) Cybersecurity Framework for Improving Critical Infrastructure; NIST Special Publication 800-53, the international security and privacy practices aligned with ISO 27001 series, Center for Internet Security (CIS) Top 20 Critical Security Controls; and the Cloud Security Alliance, (“CSA”) Cloud Controls Matrix (CCM).

3.0 BIDDER QUOTE PREPARATION AND SUBMISSION REQUIREMENTS

The Bidder’s Quote submission should be 10 pages or less, not including resumes, forms, or price sheet. The Quote shall include at a minimum the sections listed below:

3.1 Technical Quote

The Bidder must clearly demonstrate its understanding of the requirements of the Scope of Work and present its approach to successfully complete the Scope of Work. Bidders should include the level of detail it determines necessary to assist the evaluation committee in its review of the Bidder’s Quote. Bidders must clearly explain the proposed process for how Vendor will execute the Scope of Work.

3.2 Bidder’s Certifications and Licensure

The Bidder shall be Clinical Laboratory Improvement Amendments (CLIA) certified or under contract with a CLIA certified lab. The Bidder must identify the CLIA relationship (Name of the Laboratory, Address, and CLIA #). The Bidder shall also provide a copy of the contract and/or CLIA certification with its Quote.

3.3 Management Overview

The Bidder shall set forth its overall technical approach and plans to meet the requirements of the demonstrated Scope of Work (SOW) in a narrative format. This narrative should demonstrate to the State that the Bidder understands the objectives that the SOW is intended to meet, the nature of the required work, and the level of effort necessary to successfully complete the tasks identified. This narrative should demonstrate to the State that the Bidder’s general approach

and plans to undertake and complete the SOW are appropriate to the tasks and subtasks involved.

Mere reiterations of SOW tasks and subtasks are strongly discouraged, as they do not provide insight into the Bidder's approach to complete the tasks identified. The Bidder's response to this section should be designed to demonstrate to the State that the Bidder's detailed plans and approach proposed to complete the SOW are realistic, attainable, and appropriate and that the Bidder's Quote will lead to successful project completion.

3.4 Contract Management

The Bidder shall describe its specific plans to manage, control and supervise the Contract to ensure satisfactory delivery of the services. The plan should include the Bidder's approach to communicate with NJDOH including, but not limited to, status meetings, and the required reporting identified herein, etc.

3.5 Location

The Bidder shall include the address of the Bidder's office where responsibility for managing the Contract will take place. The Bidder should include the telephone number and name of the individual to contact.

If a Bidder does not include this information, the State reserves the right to request said items. Upon request, the Bidder must provide the required information within one (1) business day of the original request.

For each Service Type, the Bidder shall indicate capacity to provide service to the entire state, or if limited to a particular geographic area, specify the service area Bidder has capacity to serve.

3.6 State-Supplied Price Sheet

The Bidder shall submit its pricing using the format set forth in the State-Supplied Price Schedule accompanying this RFQ.

Bidders shall submit firm fixed pricing for the Turnkey Testing Vendor Services by Service Type(s) for which the bidder is submitting. A firm fixed price is a price that is all-inclusive of direct cost and indirect costs, including, but not limited to, direct labor costs (hourly rate, overtime rate, fringe), overhead, fee or profit, clerical/administrative support, equipment, materials, supplies, managerial (administrative) support, all documents, reports, forms, travel, reproduction, and any other costs. No additional fees or costs shall be paid by the State unless there is a change in the scope of work.

The Bidder shall not alter the provided Price Schedule as doing so may result in a non-responsive Quote submission. Prices provided by the Bidders are considered firm fixed and not subject to change. No additional fees or costs shall be paid by the State unless there is a change in the scope of work, approved by the State. The State will not accept any assumptions regarding firm fixed pricing.

Bidders may submit Quote and pricing for one, two, or all three Service Types.

Bidders are cautioned that usage will vary based upon the needs of the State. The State may award any or all price lines. Bidders are advised that estimated quantities may vary throughout the Contract. There are no guaranteed minimum or maximum volume for these price lines.

3.7 Experience With Projects of Similar Size and Scope

The Bidder shall provide a comprehensive listing of contracts of similar size and scope that it has successfully completed, as evidence of the Bidder's ability to successfully complete services like those required by this RFQ. Emphasis should be placed on contracts that are similar in size and scope to the work required by this RFQ. A description of all such contracts should be included and should show how such contracts relate to the ability of the firm to complete the services required by this RFQ. For each such contract listed, the Bidder should provide two (2) names and telephone numbers of individuals for contracting party. Beginning and ending dates should also be given for each contract.

The Bidder must provide details of any negative actions taken by other contracting entities against them while performing these projects including, but not limited to, receipt of letters of potential default, default, cure notices, termination of services for cause, or other similar notifications/processes. Additionally, the Bidder should provide details, including any negative audits, reports, or findings by any governmental agency for which the Bidder is/was the vendor on any contracts of similar scope. In the event a Bidder neglects to include this information in its Quote, The Bidder's omission of necessary disclosure information may be cause for rejection of the Bidder's Quote by the State.

The Bidder Should provide documented experience to demonstrate that each subcontractor has successfully performed works on contracts of a similar size and scope to the work that the subcontractor is designated to perform in the Bidder's Quote. The Bidder must provide a detailed description of services to be provided by each subcontractor.

3.8 Bidder Additional Terms Submitted with Quote

A Bidder may submit additional terms as part of its Quote. Additional terms are Bidder-proposed terms or conditions that do not conflict with the scope of work required in this Bid Solicitation, the terms and conditions of this Bid Solicitation, the State of New Jersey Standard Terms and Conditions or Waivered Contracts Supplement to the State of New Jersey Standard Terms and Conditions. Bidder proposed terms or conditions that conflict with those contained the State of

New Jersey Standard Terms and Conditions or Waivered Contracts Supplement to the State of New Jersey Standard Terms and Conditions will render a Quote non-responsive. It is incumbent upon the Bidder to identify and remove its conflicting proposed terms and conditions prior to Quote submission.

Quotes including Bidder proposed additional terms may be accepted, rejected, or negotiated, in whole or in part, at the State's sole discretion.

If the Bidder intends to propose terms and conditions that conflict with the State of New Jersey Standard Terms and Conditions, those Bidder proposed terms and conditions shall only be considered if submitted and agreed to pursuant to the electronic question and answer procedure.

4.0 EVALUATION CRITERIA

The following evaluation criteria, not necessarily listed in order of significance, will be used to evaluate Quotes received in response to this RFQ. The evaluation criteria categories may be used to develop more detailed evaluation criteria to be used in the evaluation process.

4.1 Technical Evaluation Criteria

Each criterion will be scored, and each score multiplied by a predetermined weight to develop the Technical Evaluation Score.

- A. Personnel: The qualifications and experience of the management, supervisory, and key personnel assigned to the Contract, including the candidates recommended for each of the positions/roles required.
- B. Experience of firm: The Bidder's documented experience in successfully completing contracts of a similar size and scope in relation to the work required by this RFQ.
- C. Ability of firm to complete the Scope of Work based on its Technical Quote: The Bidder's demonstration in the Quote that the Bidder understands the requirements of the Scope of Work and presents an approach that would permit successful performance of the technical requirements of the Contract.

4.2 Bidder's Cost Proposal

For evaluation purposes, Bidders' price quotes will be evaluated and ranked based on an analysis of cost reasonableness based on the price lines of all responsive and responsible bidders. Bidders will be selected for contract award based on the technical scores and Quote prices that are most advantageous to the State.

5.0 REQUIRED FORMS, REGISTRATIONS, AND CERTIFICATIONS

All required forms are found at the following link:

<https://www.state.nj.us/treasury/purchase/forms.shtml>

All bid submissions must include completed mandatory compliance forms, which include:

- Ownership Disclosure
- Disclosure of Investigations and Other Actions Involving Vendor
- State of New Jersey Standard Terms and Conditions
- Waivered Contracts Supplement to the State of New Jersey Standard Terms and Conditions

The below are mandatory and must be completed and submitted prior to contract award:

- Disclosure of Investment Activities in Iran
- Chapter 51 Compliance
- Chapter 271 form, where applicable
- MacBride Principles
- Source Disclosure
- Certification of Non-Involvement in Prohibited Activities in Russia or Belarus
- Business Registration Certificate
- Affirmative Action Compliance – consisting of one of the following:
 - 5.0.1 New Jersey Certificate of Employee Information Report;
 - 5.0.2 Federal Letter of Approval verifying a federally approved or sanctioned affirmative action program; or
 - 5.0.3 Affirmative Action Employee Information Report (Form AA302)
- Evidence of Insurance

Vendors are under a continuing obligation to report updates to the information contained in its required forms.

Unless otherwise specified, forms must contain an original, physical signature, or electronic signature.

Winning Bidder(s) must register with NJSTART as a Vendor for the State of NJ.

www.njstart.gov

<https://www.state.nj.us/treasury/purchase/forms/Waiver%20and%20DPA%20Contract%20Checklist.pdf>.

Bidders are under a continuing obligation to report updates to the information contained in its required forms.

Unless otherwise specified, forms must contain an original, physical signature, or electronic.

5.1 MACBRIDE PRINCIPLES CERTIFICATION

Pursuant to N.J.S.A. 52:34-12.2, a Bidder is required to certify that it either has no ongoing business activities in Northern Ireland and does not maintain a physical presence therein or that it will take lawful steps in good faith to conduct any business operations it has in Northern Ireland in accordance with the MacBride principles of nondiscrimination in employment as set forth in N.J.S.A. 52:18A-89.5 and in conformance with the United Kingdom's Fair Employment (Northern Ireland) Act of 1989, and permit independent monitoring of their compliance with those principles.

5.2 OWNERSHIP DISCLOSURE FORM

Pursuant to N.J.S.A. 52:25-24.2, in the event the Bidder is a corporation, partnership, or limited liability company, the Bidder must disclose all 10% or greater owners by (a) completing and submitting the Ownership Disclosure Form with the Quote; (b) if the Bidder has submitted a signed and accurate Ownership Disclosure Form dated and received no more than six (6) months prior to the Quote submission deadline for this procurement, the State may rely upon that form; however, if there has been a change in ownership within the last six (6) months, a new Ownership Disclosure Form must be completed, signed and submitted with the Quote; or, (c) a Bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest. N.J.S.A. 52:25-24.2.

A Bidder's failure to submit the information required by N.J.S.A. 52:25-24.2 will result in rejection of the Quote as non-responsive and preclude award to the Bidder.

5.3. DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

The Bidder should submit Disclosure of Investment Activities in Iran form to certify that, pursuant to N.J.S.A. 52:32-58, neither the Bidder, nor one (1) of its parents, subsidiaries, and/or affiliates (as defined in N.J.S.A. 52:32-56(e)(3)), is listed on the Department of the Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither the Bidder, nor one (1) of its parents, subsidiaries, and/or affiliates, is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f). If the Bidder is unable to so certify, the Bidder shall provide a detailed and precise description of such activities as directed on the form. If a Bidder does not submit the form with the Quote, the Bidder must comply within seven (7) business days of the State's request or the State may deem the Quote non-responsive.

5.4 BUSINESS REGISTRATION

In accordance with N.J.S.A. 52:32-44(b), a Bidder and its named Subcontractors must have a valid Business Registration Certificate ("BRC") issued by the Department of the Treasury, Division of Revenue and Enterprise Services prior to the award of a contract. To facilitate the Quote evaluation and contract award process, the Bidder should submit a copy of its valid BRC and those of any named Subcontractors with its Quote. See Section 2.1 of the State Standard Terms and Conditions.

Any Bidder, inclusive of any named Subcontractors, not having a valid business registration at the time of the Quote opening, or whose BRC was revoked prior to the submission of the Quote, should proceed immediately to register its business or seek reinstatement of a revoked BRC.

The Bidder is cautioned that it may require a significant amount of time to secure the reinstatement of a revoked BRC. The process can require actions by both the Division of Revenue and Enterprise Services and the Division of Taxation. For this reason, a Bidder's early attention to this requirement is highly recommended. The Bidder and its named Subcontractors may register with the Division of Revenue and Enterprise Services, obtain a copy of an existing BRC or obtain information necessary to seek reinstatement of a revoked BRC online at https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp.

A Bidder otherwise identified by the DOH as a responsive and responsible Bidder, inclusive of any named Subcontractors, but that was not business registered at the time of submission of its Quote must be so registered and in possession of a valid BRC by a deadline to be specified in writing by the DOH. A Bidder failing to comply with this requirement by the deadline specified by the Division will be deemed ineligible for contract award. Under any circumstance, the Division will rely upon information available from computerized systems maintained by the State as a basis to verify independently compliance with the requirement for business registration.

5.5 DISCLOSURE OF INVESTIGATIONS AND OTHER ACTIONS INVOLVING BIDDER FORM

The Bidder should submit the Disclosure of Investigations and Other Actions Involving Bidder Form, with its Quote, to provide a detailed description of any investigation, litigation, including administrative complaints or other administrative proceedings, involving any public sector clients during the past five (5) years, including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and, if applicable, disposition. If a Bidder does not submit the form with the Quote, the Bidder must comply within seven (7) business days of the State's request, or the State may deem the Quote non-responsive.

5.6 SERVICE PERFORMANCE WITHIN THE UNITED STATES

Pursuant to N.J.S.A. 52:34-13.2, prior to an award of a contract, the Bidder is required to submit a completed Source Disclosure Form. The Bidder's inclusion of the completed Source Disclosure Form with the Quote is requested and advised.

5.7 AFFIRMATIVE ACTION

The intended Vendor must submit a copy of a New Jersey Certificate of Employee Information Report, or a copy of Federal Letter of Approval verifying it is operating under a federally approved or sanctioned Affirmative Action program. Awarded Vendors not in possession of either a New Jersey Certificate of Employee Information Report or a Federal Letter of Approval must complete the Affirmative Action Employee Information Report (AA-302) located on the web at <https://www.state.nj.us/treasury/purchase/forms.shtml>.

Bidders should verify its Affirmative Action Compliance status on the "Maintain Terms and Categories" Tab within its profile in NJSTART. In the event of an issue with a Vendor's Affirmative Action Compliance status, NJSTART provides a link to take corrective action.

5.8 INSURANCE CERTIFICATES

The Vendor shall provide the State with current certificates of insurance for all coverages required by the terms of this contract naming the State as an Additional Insured. See Section 4.2 of the State Standard Terms and Conditions accompanying this Request for Quote. The Bidder should verify its Insurance Certification Compliance status on the "Maintain Terms and Categories" Tab within its profile in NJSTART.

5.9 CERTIFICATION OF NON-INVOLVEMENT IN PROHIBITED ACTIVITIES IN RUSSIA AND BELARUS

On March 9, 2022, Governor Murphy signed P.L.2022, c.3, which prohibits certain government dealings with businesses engaged in prohibited activities in Russia or Belarus. The new law requires the Department of the Treasury to develop a list of persons and entities that engage in prohibited activities in Russia or Belarus and an accompanying form for use statewide.

Prior to entering into, renewing, amending, or extending a contract, the intended Vendor must certify that they are not engaged in prohibited activities in Russia or Belarus using the provided Certification Of Non-Involvement In Prohibited Activities In Russia Or Belarus Pursuant To P.L.2022, c.3.

6.0 PAY TO PLAY PROHIBITIONS

Pursuant to N.J.S.A. 19:44A-20.13 et seq. (P.L. 2005, c. 51), the State shall not enter into a Contract to procure services or any material, supplies or equipment, or to acquire, sell, or lease any land or building from any Business Entity, where the value of the transaction exceeds \$17,500, if that Business Entity has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions, to a candidate committee and/or election fund of any candidate for or holder of the public office of Governor or Lieutenant Governor, to any State, county, municipal political party committee, or to any legislative leadership committee during certain specified time periods.

Prior to awarding any Contract or agreement to any Business Entity, the Business Entity proposed as the intended Contractor of the Contract shall submit the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form, certifying that no contributions prohibited by either Chapter 51 or Executive Order No. 117 have been made by the Business Entity and reporting all qualifying contributions made by the Business Entity or any person or entity whose contributions are attributable to the Business Entity. Failure to submit the required forms will preclude award of a Contract under this RFP.

Further, the Contractor is required, on a continuing basis, to report any contributions it makes during the term of the Contract, and any extension(s) thereof, at the time any such contribution is made.

7.0 EXECUTIVE ORDER 166 REQUIREMENTS FOR POSTING OF WINNING QUOTE AND CONTRACT DOCUMENTS

Pursuant to Executive Order No. 166, signed by Governor Murphy on July 17, 2020, the Office of the State Comptroller (“OSC”) is required to make all approved State contracts for the allocation and expenditure of COVID-19 Recovery Funds available to the public by posting such contracts on an appropriate State website. Such contracts will be posted on the New Jersey transparency website developed by the Governor’s Disaster Recovery Office (GDRO Transparency Website).

The contract resulting from this RFP is subject to the requirements of Executive Order No. 166. Accordingly, the OSC will post a copy of the contract, including the RFP, the winning bidder’s Quote and other related contract documents for the above contract on the GDRO Transparency website.

In submitting its Quote, a bidder/proposer may designate specific information as not subject to disclosure. However, such bidder must have a good faith legal or factual basis to assert that such

designated portions of its Quote: (i) are proprietary and confidential financial or commercial information or trade secrets; or (ii) must not be disclosed to protect the personal privacy of an identified individual. The location in the Quote of any such designation should be clearly stated in a cover letter, and a redacted copy of the Quote should be provided. A Bidder's/Proposer's failure to designate such information as confidential in submitting a bid/Quote shall result in waiver of such claim.

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