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102.01 ~~PREQUALIFICATION OF PROSPECTIVE BIDDERS~~

~~[Include with Contracts requiring a list of subcontractors at the time of bid.]~~

Delete the last paragraph and replace it with the following:

Bidders shall submit a valid copy of their Certificate of Registration for the "Public Works Contractor Registration Act" to the Authority's Engineering Department with their proposal, along with valid copies of the Certificates of Registration for all subcontractors listed in their proposal. Failure to submit a valid copy of the certificate may result in the rejection of the bidder's Proposal.

102.09 **SUBMITTING PROPOSALS**

Add the following bullet to the required document list:

Acknowledgment of compliance with the Disclosure of Investment Activities in Iran form provided by the Authority, pursuant to N.J.S.A. 52:32-58.

Add the following bullet to the required document list:

Disclosure Statement, indicating ownership in the bidder's firm per N.J.S.A. 52:25-24.2.

102.19 **ETHIC STANDARDS (EXECUTIVE ORDER 189)**

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

- (A) No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b. and e., to any officer or employee of the Authority or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i., of any such officer or employee, or any partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.
- (B) The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee, special State officer or employee or Authority officer or employee from any vendor shall be reported in writing forthwith by the vendor to the Attorney General and the *State Ethics Commission Executive Commission on Ethical Standards*.
- (C) Unless a waiver has been granted in accordance with (D) below, no vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee, special State

officer or employee or Authority officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52:13D-13g.

- (D) Any relationship subject to the provisions of (C) above shall be reported in writing forthwith to the *State Ethics Commission Executive Commission on Ethical Standards*, which may grant a waiver of this restriction upon application of the State officer or employee, special State officer or employee or Authority officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.
- (E) No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee, special State officer or employee or Authority officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- (F) No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee, special State officer or employee or Authority officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the vendor or any other person.
- (G) The provisions cited in (A) through (F) above shall not be construed to prohibit a State officer or employee, special State officer or employee or Authority officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the *State Ethics Commission Executive Commission on Ethical Standards* may promulgate under (C) above.

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APPENDIX J - DISCRIMINATION IN EMPLOYMENT ON PUBLIC WORKS

N.J.S.A. 10:2-1

10.2-1. DISCRIMINATION IN EMPLOYMENT ON PUBLIC WORKS; CONTRACT PROVISIONS; SET-ASIDE PROGRAMS

a. In the hiring of persons for the performance of work under this contract or any subcontract hereunder, or for the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under this contract, no contractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex, discriminate against any person who is qualified and available to perform the work to which the employment relates;

b. No contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee engaged in the performance of work under this contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under such contract, on account of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex;

c. There may be deducted from the amount payable to the contractor by the contracting public agency, under this contract, a penalty of \$50.00 for each person for each calendar day during which such person is discriminated against or intimidated in violation of the provisions of the contract; and

d. This contract may be canceled or terminated by the contracting public agency, and all money due or to become due hereunder may be forfeited, for any violation of this section of the contract occurring after notice to the contractor from the contracting public agency of any prior violation of this section of the contract.

~~No provision in this section shall be construed to prevent a board of education from designating that a contract, subcontract or other means of procurement of goods, services, equipment or construction shall be awarded to a small business enterprise, minority business enterprise or a women's business enterprise pursuant to P.L. 1985, c. 490 (C.18A:18A 51 et seq.).~~

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**APPENDIX X - NEW JERSEY TURNPIKE AUTHORITY
REQUIREMENTS FOR SMALL BUSINESS ENTERPRISE
SUBCONTRACTORS' AND SET-ASIDE PROGRAM
FOR CONSTRUCTION CONTRACTS**

1. For construction contracts, small businesses will be registered in one of the following three categories:
 - a. SBE 4 – Small businesses whose gross revenues do not exceed *\$1 million* ~~\$3 million~~; or
 - b. SBE 5 – Small businesses whose gross revenues do not exceed 50% of the applicable annual revenue standards set forth in Federal regulation at 13 CFR 121.201 and as may be adjusted periodically.
 - c. SBE 6 Small Businesses with gross revenues that do not exceed the applicable annual revenue standards set forth in Federal regulation at 13 CFR 121.201 as may be adjusted periodically (16.75+M to \$33.5M).

Small businesses registered in the category SBE 4 will be eligible to participate in the set-aside contracts and subcontracting programs available to businesses registered in the categories in SBE 4, 5 and 6. Small businesses registered only in category SBE 5 will be eligible to participate in the set-aside contracts and subcontracting programs available to businesses registered in the category SBE 5 and 6 only. Small businesses registered in category SBE 6 above will be eligible to participate in set-aside contracts and subcontracting programs available to businesses registered only in category SBE 6.