


## General Info

### Total:

\$6,080,015.00

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Number	Description
IFB No. 22-009X	DELCO LEAD STORAGE & INSPECTION FACILITY AND COUNTY YARD IMPROVEMENTS – GC.01
<b>Deadline</b>	
02/08/2022 07:00 PM UTC	<b>Allows zero unit prices and labor</b>
<b>Vendor</b>	Yes
Union Paving and Construction Co., Inc.	<b>Allows negative unit prices and labor</b>
<b>Submitted</b>	Yes
02/08/2022 04:13 PM UTC	
<b>Signed by</b>	
Scott Woodfield	
<b>Opened</b>	
02/08/2022 07:03 PM UTC By	
	

## SECTION 1: INSTRUCTIONS TO BIDDERS, GENERAL PROVISIONS, SPECIAL PROVISIONS AND TECHNICAL SPECIFICATIONS

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IFB No. 22-009X -Federal EBS MFC - Instructions to Bidders.pdf (221 KB)  
Instructions to Bidders

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IFB No. 22-009X- Federal EBS MFC - General Provisions - Sept 2021.pdf (1.34 MB)  
General Provisions

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IFB No. 22-009X- General Provisions Appendix D Attachment.pdf (2.86 MB)  
General Provisions- Appendix D Attachment

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IFB No. 22-009X-Special Provisions.pdf (408 KB)  
Special Provisions

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IFB No. 22-009X- Technical Provisions.pdf (5.69 MB)  
Technical Provisions

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IFB No. 22-009X- Tech Specs - Appendix A - Boring Logs.pdf (358 KB)  
Tech Specs - Appendix A - Boring Logs

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IFB No. 22-009X Tech Specs - Appendix A - Test Pit Logs - 02-07-2017.pdf (127 KB)  
Tech Specs - Appendix A - Test Pit Logs

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IFB No. 22-009X Tech Specs - Appendix B - MMP Part No. 1 of 4.pdf (54.2 MB)

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Tech Specs - Appendix B - MMP Part No. 1 of 4

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IFB No. 22-009X Tech Specs - Appendix B - MMP Part No. 2 of 4.pdf (91.8 MB)  
Tech Specs - Appendix B - MMP Part No. 2 of 4

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IFB No. 22-009X Tech Specs - Appendix B - MMP Part No. 3 of 4.pdf (31.2 MB)  
Tech Specs - Appendix B - MMP Part No. 3 of 4

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IFB No. 22-009X Tech Specs - Appendix B - MMP Part No. 4 of 4.pdf (148 MB)  
Tech Specs - Appendix B - MMP Part No. 4 of 4

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IFB No. 22-009X Tech Specs - Appendix C - Hydrogeologic report.pdf (725 KB)  
Tech Specs - Appendix C - Hydrogeologic report

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## **SECTION 2: EXHIBIT AND ATTACHMENT LIST**

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IFB No. 22-009X Advertisement.pdf (23.6 KB)  
Advertisement (Notice to Bidders)

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IFB No. 22-009X PREQUAL FORM.pdf (135 KB)  
PREQUAL FORM

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IFB No. 22-009X- RC DBE Lang w. Forms.pdf (1.99 MB)  
DBE Requirements

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IFB-Statement of Joint Venture.pdf (44.4 KB)  
IFB-Statement of Joint Venture

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

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

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EEO Provisions Construction - Aug 2021 Update.pdf (79.5 KB)  
EEO Provisions

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Iran Disclosure 2.1.2021.pdf (165 KB)  
Iran Disclosure Form

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Ownership Disclosure 2.22.2021.pdf (325 KB)  
Ownership Disclosure Form

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## **SECTION 3: DRAWINGS**

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IFB No. 22-009X Contract Plan Set - 8-6-2021 (drawings).pdf (31.8 MB)  
Contract Plan Set - 8-6-2021 (drawings)

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## SECTION 4: ADDENDA ISSUED

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IFB No. 22-009X Addendum No. 1.pdf (3.65 MB)  
Addendum No. 1

IFB No. 22-009X Addendum No. 2.pdf (86.3 KB)  
Addendum No. 2

IFB No. 22-009X Addendum No. 3.pdf (287 KB)  
Addendum No. 3

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## SECTION 5: ADDENDA ACKNOWLEDGEMENT FORM

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**Bidder acknowledges and affirms that he/she 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 total number of Addenda issued in the space provided below) \***

3

**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 6: DBE REQUIREMENTS AND GOAL ASSIGNMENT

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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 From 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](http://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-responsible.**

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 7: 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	All forms shall be completed entirely with no	I am not
<b>4 Required Documents</b>		

Name	Omission Terms	Submitted File
<p>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.</p>	<p>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.</p>	<p>enclosing this document because the omission terms have been met.</p>
<p>Ownership Disclosure Form Mandatory at time of bid submission. For joint ventures, each individual firm comprising the joint venture must submit this form</p>		<p>Ownership Disclosure 2.22.2021 (1).pdf</p>
<p>Iran Disclosure Form Due prior to contract award. For joint ventures, each individual firm comprising the joint venture should submit this form.</p>	<p>Firms are encouraged to submit this form with the bid, but it is not due until prior to any contract award.</p>	<p>Iran Disclosure 2.1.2021 Signed.pdf</p>
<p>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)</p>	<p>Firms are encouraged to submit this form with the bid, but it is not due until prior to any contract award.</p>	<p>EO 271 Rider - For IFBs.pdf</p>
<p><b>4 Required Documents</b></p>		

## SECTION 8: BID PRICE FORM (ITEM LIST)

\$6,080,015.00

Division No.	Section/ Division Description	Item No.	Title	Units	Quantity	Unit Price	Extension
1	General Requirements	C01-000-001.0	Performance and Payment Bonds	LS	1	\$30,000.00	\$30,000.00
1	General Requirements	C01-002-002.0	Supplemental Construction Costs	ALW	1	\$300,000.00	\$300,000.00
1	General Requirements	C01-001-002.0	Mobilization	LS	1	\$500,000.00	\$500,000.00
1	General Requirements	C01-003-001.0	Field Office	ALW	1	\$240,000.00	\$240,000.00
1	General Requirements	C01-002-003.0	Laboratory Testing and Inspection	ALW	1	\$50,000.00	\$50,000.00
<b>Total:</b>							<b>\$6,080,015.00</b>

Division No.	Section/ Division Description	Item No.	Title	Units	Quantity	Unit Price	Extension
1	General Requirements	C01-002-001.0	Permit Fees	ALW	1	\$70,000.00	\$70,000.00
1	General Requirements	C01-002-005.0	Track Time Allowance	ALW	1	\$200,000.00	\$200,000.00
1	General Requirements	C01-002-004.0	Construction Sign	ALW	1	\$10,000.00	\$10,000.00
1	General Requirements	C01-008-001.0	Safety Plan (01351)	ALW	1	\$50,000.00	\$50,000.00
2	Site Work	C02-003-001.0	Demolition (02050)	LS	1	\$25,000.00	\$25,000.00
2	Site Work	C02-004-001.3	Clearing Site (02110)	LS	1	\$348,000.00	\$348,000.00
2	Site Work	C02-004-001.4	Remove Track (02110)	LF	12,000	\$15.50	\$186,000.00
2	Site Work	C02-005-001.0.2	Instrumentation Monitoring Culvert (02212)	LS	1	\$100,000.00	\$100,000.00
2	Site Work	C02-002-002.0	Off-Site Disposal of Asbestos (02113A)	ALW	1	\$30,000.00	\$30,000.00
2	Site Work	C02-002-003.1	Off-Site Disposal of Lead Based Paint (02113B)	ALW	1	\$30,000.00	\$30,000.00
2	Site Work	C02-002-004.0	Off-Site Disposal of ID-27 Soils (02113C)	Tons	14,700	\$55.00	\$808,500.00
2	Site Work	C02-002-004.1	Off-Site Disposal of ID-27-PCB Contaminated Material (02113C)	Tons	7,200	\$55.00	\$396,000.00
2	Site Work	C02-002-004.2	Post Excavated ID-27 PCB Contaminated Material (02113C)	ALW	1	\$150,000.00	\$150,000.00
2	Site Work	C02-004-009.0	Soil Erosion and Sediment Control (02770)	LS	1	\$160,000.00	\$160,000.00
2	Site Work	C02-004-009.0.1	Maintenance of Soil Erosion System (02770)	MO	12	\$500.00	\$6,000.00
2	Site Work	C02-004.004.1	Soil Excavation,	CY	1,100	\$10.00	\$11,000.00
<b>Total:</b>							<b>\$6,080,015.00</b>

Division No.	Section/ Division Description	Item No.	Title	Units	Quantity	Unit Price	Extension
			Unclassified (02315)				
2	Site Work	C02-004-005.0	Rock Excavation (02315)	CY	1,100	\$10.00	\$11,000.00
2	Site Work	C02-004-003.3	Test Pits (02315)	CY	80	\$50.00	\$4,000.00
2	Site Work	C02-004-006.0.1	Fill (02315)	CY	5,600	\$24.00	\$134,400.00
2	Site Work	C02-005-002.7	Mini-Piles (02375)	LF	1,444	\$260.00	\$375,440.00
2	Site Work	C02-005-001.0.1	Mini-Pile Static Load Tests (02376)	EA	1	\$120,000.00	\$120,000.00
2	Site Work	C02-005-001.0.3	Existing Track Settlement Monitoring (02480)	LS	1	\$75,000.00	\$75,000.00
2	Site Work	C02-006-012.9.1	6" Ductile Iron Water Pipe (02510)	LF	420	\$140.00	\$58,800.00
2	Site Work	C02-006-012.9.2	8" Ductile Iron Water Pipe (02510)	LF	500	\$150.00	\$75,000.00
2	Site Work	C02-006-012.9.3	6" Water Valve and Valve Box (02510)	EA	4	\$1,300.00	\$5,200.00
2	Site Work	C02-006-012.9.4	8" Water Valve and Valve Box (02510)	EA	3	\$1,900.00	\$5,700.00
2	Site Work	C02-006-012.9.5	Fire Hydrant (02510)	EA	2	\$5,200.00	\$10,400.00
2	Site Work	C02-006-005.1	Temporary Bypass Pumping (02525)	LS	1	\$60,000.00	\$60,000.00
2	Site Work	C02-006-011.2.4	Manhole Rehabilitation (02526)	EA	2	\$25,000.00	\$50,000.00
2	Site Work	C02-007-001.1	Crushed Stone Surface Course, 6" Thick (02714)	SY	52,000	\$10.00	\$520,000.00
2	Site Work	C02-006-012.4.8	36" Reinforced Concrete Sewer Pipe, Class V (02730)	LF	675	\$425.00	\$286,875.00
2	Site Work	C02-006-011.2.3	Manhole, 6' Diameter (02730)	EA	3	\$19,000.00	\$57,000.00
<b>Total:</b>							<b>\$6,080,015.00</b>

Division No.	Section/ Division Description	Item No.	Title	Units	Quantity	Unit Price	Extension
2	Site Work	C02-006-011.2.5	Reconstruct Manhole (02730)	EA	2	\$4,000.00	\$8,000.00
2	Site Work	C02-006-011.2.6	Flowable Fill (02730)	LS	1	\$25,000.00	\$25,000.00
2	Site Work	C02-006-011.2.7	Miscellaneous Concrete (02730)	CY	2	\$3,000.00	\$6,000.00
2	Site Work	C02-008-006.0	Caution Fence (02835)	LF	8,200	\$4.00	\$32,800.00
3	Concrete	C03-001-003.2	Cast-In-Place Concrete (03300)	CY	353	\$1,300.00	\$458,900.00
<b>Total: \$6,080,015.00</b>							

## SECTION 9: REQUIRED CERTIFICATIONS

### NEW JERSEY TRANSIT CORPORATION BIDDERS PROPOSAL (FOR CONSTRUCTION OF)

**IFB NO. \***

22-009X

New Jersey Transit Corporation  
 One Penn Plaza East  
 Newark, New Jersey 07105

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

Gerard L. Burdi

**TITLE \***

President

**of (FIRM NAME) \***

Union Paving and Construction Co., Inc.

**DATE \***

February 8, 2022

having carefully examined the Notice to Bidders, Instructions to Bidders, Exhibits and Certifications, General Provisions, Special Provisions, Technical Provisions, Drawings and DBE Requirements 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 designated "Schedule of Items".

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**

This said 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 and New Jersey Transit Corporation 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 and its Subcontractors are 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 located at [www.sam.gov](http://www.sam.gov).

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**

Refer to the "EEO Provisions for Construction " attached above in Section 2 - Exhibit and Attachment List.

Link to the State of New Jersey Department of Treasury -  
Public Contracts EEO Compliance Monitoring Program  
Webpage

### **(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.

#### **CERTIFICATION 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**

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 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 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.

State Prevailing Wage Link

Federal Prevailing Wage Link

#### **(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.) 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 10: BUY AMERICA CERTIFICATION**

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### **Required for Contracts Over \$150,000**

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

**Bidder certifies that:**

**Select Only One: \***

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 C.F.R. 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 \$100,000 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) \***

Gerard L. Burdi

**(Title) \***

President

**(Company Name) \***

Union Paving and Construction Co., Inc.

**(Date) \***

February 8, 2022

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## **SECTION 11 - CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS (Byrd Anti-Lobbying Certification)**

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**Agreement Terms**

\*

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 \***

Gerard L. Burdi

**Title \***

President

**Firm \***

Union Paving and Construction Co., Inc.

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## **SECTION 12: BUSINESS REGISTRATION**

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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/BRCLLoginJsp.jsp](https://www1.state.nj.us/TYTR_BRC/jsp/BRCLLoginJsp.jsp), to verify the validity of your existing business registration.

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

Yes

**and my seven-digit "New Jersey Business Registration Certificate" Number is: \***

0098505

## **SECTION 13: PUBLIC WORKS CONTRACTOR'S REGISTRATION ACT (PWCR)**

---

Pursuant to the "Public Works Contractor Registration Act", N.J.S.A. 34:11-56.48 (P.L. 1999, c. 238), as amended, bidders must be registered with the New Jersey Department of Labor, Division of Wage and Hour Compliance, at the time of bid.

**I have obtained a "Public Works Contractor Registration": \***

Yes

**My Public Works Contractor Registration No. is: \***

632070

Visit [https://www.nj.gov/labor/forms\\_pdfs/lsse/lsse-2.pdf](https://www.nj.gov/labor/forms_pdfs/lsse/lsse-2.pdf) to register for a "Public Works Contractor Registration".  
([http://lwd.dol.state.nj.us/labor/forms\\_pdfs/lsse/lsse-2.pdf](http://lwd.dol.state.nj.us/labor/forms_pdfs/lsse/lsse-2.pdf))

Visit <http://lwd.state.nj.us/lsseapp/LSSERedirect.html?newPage=forms/RegisteredContractors> to verify the validity of your existing  
"Public Works Contractor Registration". (<http://lwd.state.nj.us/lsseapp/LSSERedirect.html?newPage=forms/RegisteredContractors>)

## **SECTION 14: BID BOND**

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**"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.**

**Bond Percentage**

10.00%

**Guarantee Method \***

Electronic Bid Bond

**Electronic Bid Bond**

**Bond ID \***

██████████

**Surety Agency \***

Surety 2000

**Verify Bid Bond \***

Bid bond verification has been completed.

**KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned \***

Union Paving and Construction Co., Inc.

**as PRINCIPAL, and \***

Liberty Mutal Insurance Company

a corporation organized and existing under the laws of the State of and duly authorized to do business in the State of New Jersey, as SURETY, are held and firmly bound unto the New Jersey Transit Corporation in the penal sum of ten percent (10%) of the amount bid for the project(s) listed below, for the payment of which well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

**Signed, sealed, and dated this day of two thousand and . \***

February 8, 2022

**The condition of the above obligation is such that whereas the principal is herewith submitting a proposal for: \***

IFB No. 22-009X

**Legal Terms**

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the said principal shall execute a contract and give bond for the faithful performance thereof within ten (10) NJ TRANSIT business days after being notified in writing of the award of such contract to principal, or if the principal or surety shall pay the obligee the sum, not exceeding the penalty hereof, by which the amount of the contract, covering the said proposal, properly and lawfully executed by and between the obligee and some third party, may exceed the amount bid by principal, then this obligation shall be void; otherwise it shall remain in full force and effect.

**SECTION 15: BIDDER'S CERTIFICATION**

**Agreement Terms**

\*

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 statements are true. Bidder acknowledges that he/she is aware that if any of the statements are willfully false, Bidder is subject to punishment.

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.

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.

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, Mandatory Equal Employment Opportunity Requirements, Certification of Compliance/NJ TRANSIT's Code of Ethics for Contractors, Prevailing Wage, Affirmative Action, Certification Regarding Debarment, Suspension and Other Responsibility Matters, Ownership Disclosure, Disclosure of Investment Activities in Iran (if submitted herewith), Buy America, Certification for Contracts, Grants, Loans and Cooperative Agreements (Anti-Byrd Lobbying Certification), Business Registration, Public Works Contractor's Registration Act, Bid Bond and Certification of No Tax Liability or Felony Conviction have been digitally signed by an authorized representative of the Bidder.

**The undersigned is a \***

Corporation

**under the laws of the State of \***

New Jersey

**Company Name \***

Union Paving and Construction Co., Inc.

**Address \***

1140 Globe Avenue, Mountainside, NJ 07092

**Individual Name \***

Gerard L. Burdi

**Title \***

President

**Telephone Number: \***

(908) 232-4100 [REDACTED]

**Fax Number: \***

(908) 232-0738

**FEIN Number: \***

██████████

**E-Mail: \***

████████████████████

**SECTION 16: 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:** 2/8/2022

**Procurement Intake Unit Representative:**

*Lisa Mustillo*

**Date:** 2/8/2022



# 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:** 22-009X Delco Lead Storage and INspection Facility and County Yard Improvements

**VENDOR NAME:** Union Paving and Construction Co., Inc.

**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.**

- |   |                                     |                                     |
|---|-------------------------------------|-------------------------------------|
|   | <b>YES</b>                          | <b>NO</b>                           |
| 1. The vendor is a <b>Non-Profit Entity</b> ; and therefore, no disclosure is necessary.  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. The vendor is a <b>Sole Proprietor</b> ; and therefore, no other disclosure is necessary.<br>A Sole Proprietor is a person who owns an unincorporated business by himself or her-self.<br>A limited liability company with a single member is not a Sole Proprietor. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. The vendor is a <b>corporation, partnership, or limited liability company</b> .  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

If you answered **YES** to Question 3, you must disclose the following: **(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.\*

<b>NAME</b>	Gerard L. Burdi
<b>ADDRESS</b>	██████████
<b>ADDRESS</b>	██████████
<b>CITY</b>	██████████
<b>STATE</b>	██
<b>ZIP</b>	██████

<b>NAME</b>	Nicholas M. Burdi
<b>ADDRESS</b>	██████████
<b>ADDRESS</b>	██████████
<b>CITY</b>	██████████
<b>STATE</b>	██
<b>ZIP</b>	██████

<b>NAME</b>	_____
<b>ADDRESS</b>	_____
<b>ADDRESS</b>	_____
<b>CITY</b>	_____
<b>STATE</b>	_____
<b>ZIP</b>	_____

<b>NAME</b>	_____
<b>ADDRESS</b>	_____
<b>ADDRESS</b>	_____
<b>CITY</b>	_____
<b>STATE</b>	_____
<b>ZIP</b>	_____

- |  |                          |                                     |
|--|--------------------------|-------------------------------------|
|  | <b>YES</b>               | <b>NO</b>                           |
| 4. For each of the corporations, partnerships, or limited liability companies identified 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If you answered **YES** to Question 4, you must disclose the following: **(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.\*

<b>NAME</b>	_____
<b>ADDRESS</b>	_____
<b>ADDRESS</b>	_____
<b>CITY</b>	_____
<b>STATE</b>	_____
<b>ZIP</b>	_____

<b>NAME</b>	_____
<b>ADDRESS</b>	_____
<b>ADDRESS</b>	_____
<b>CITY</b>	_____
<b>STATE</b>	_____
<b>ZIP</b>	_____

<b>NAME</b>	_____
<b>ADDRESS</b>	_____
<b>ADDRESS</b>	_____
<b>CITY</b>	_____
<b>STATE</b>	_____
<b>ZIP</b>	_____

<b>NAME</b>	_____
<b>ADDRESS</b>	_____
<b>ADDRESS</b>	_____
<b>CITY</b>	_____
<b>STATE</b>	_____
<b>ZIP</b>	_____

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.\*

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\* 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:** 22-009X Delco Lead Storage and Inspection Facility and County Yard Improvements

**VENDOR/BIDDER NAME:** Union Paving and Construction Co., Inc.

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/Bidder, 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/Bidder 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 will be subject to criminal prosecution under the law, and it will constitute a material breach of my agreement(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

\_\_\_\_\_  
Signature

February 8, 2022  
\_\_\_\_\_  
Date

**Gerard L. Burdi**  
\_\_\_\_\_  
Print Name and Title

**NEW JERSEY TRANSIT CORPORATION**

**CONTRACT RIDER**

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

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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  
20<sup>th</sup> 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")**

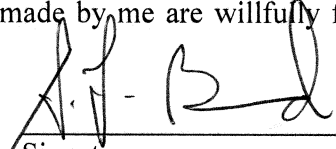
On behalf of Union Paving and Construction Co., Inc. (Name of Entity/Company/Business Association) (hereinafter "Prospective Contractor"), I hereby certify that, as of the date of execution of this Certification and Acknowledgment, the Prospective Contractor:

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

Gerard L. Burdi  
Type or Print Name

President  
Title

February 8, 2022  
Date