

**WORK ORDER #01**  
**SCOPE OF WORK FOR RESILIENT COMMUNITIES**  
**CONSTRUCTION MANAGEMENT FIRM**

**April 12, 2024**

<b>IDIQ Multiple Award Term Contract:</b>	<b>CMF-004</b>
<b>DPMC Term Contract Number:</b>	<b>J0405-00</b>
<b>Work Order Number:</b>	<b>01</b>
<b>Project Description:</b>	<b>Resilient Communities Program</b>
<b>Proposal Due Date:</b>	<b>May 07, 2024 at 2:00pm</b>
<b>Total Fee:</b>	<b>Not to Exceed (NTE)</b>

**BACKGROUND/OVERVIEW**

*Resilient Communities Program*

The Department of Community Affairs (“DCA”), Division of Disaster Recovery and Mitigation (“DRM”) is hereby soliciting proposals from the Construction Management Firms (“CMFs”) under Contract Number J0405-00, CMF-004 to manage a group of construction projects in the Resilient Communities Program (“RCP”) that have been determined to be eligible for U.S. Department of Housing and Urban Development (“HUD”) Community Development Block Grant Disaster Recovery (“CDBG-DR”) funding administered by the DCA. Projects are expected to be completed prior to September 30, 2029, the expiration of the Ida CDBG-DR grant. On November 21, 2022, HUD approved the Hurricane Ida Action Plan that allocated \$54 million to RCP (see Attachment 1 – Hurricane Ida Consolidated Action Plan).

The four projects that will be managed by the CMF are:

1. North Arlington RC 100055 – Emergency Response Preparation, Passaic River
2. Hudson County RC 100031 – Pump Station Upgrades, Pehhorn Creek
3. Guttenburg RC 100043 – Stormwater Management JFK Blvd. East
4. Passaic RC100037 – Stormwater Management, Passaic Ave.

To provide the services described in this work order, the CMF will act as project manager, providing management of the construction projects assigned to it, and will ensure that the project meets all state and federal requirements. The CMF will report to the DCA Program Director (“PD”).

RCP is a competitive grant program designed to fund unmet recovery and mitigation needs for public infrastructure projects that will help HUD-identified and State-identified "most impacted

and distressed" (MID) areas become more resilient to current and future flood-related natural hazards. Eligible applicants will be responsible for the implementation, operation, and maintenance of awarded projects.

RCP provides up to \$5 million for infrastructure projects that will help impacted communities become more resilient to current and future natural hazards. The goal of the program is to reduce or eliminate long term risk of loss of life, injury, and damage to property; recovery from Hurricane Ida; and protect publicly funded recovery investments in impacted communities.

RCP has attached a list of projects, locations, descriptions, and estimated total construction cost within this bid package which may change over time. Bidders are requested to provide a quote to conduct all necessary elements of this scope for the included projects. At the time of this document, award announcements have not been made public and therefore we ask bidders to not share the information included.

## **GENERAL REQUIREMENTS**

Additional work orders may be executed prior to the expiration of this Work Order. Based on these requirements, the CMF is tasked with providing the following services:

### **PROJECT MANAGER**

The CMF may be required to assist the PD during the design phase of the project by performing study and design reviews, assisting with problem resolution, performing schedule reviews and control, reviewing budget and project cost estimates and keeping the PD apprised of design status.

The CMF will assign a Project Manager for the projects with the appropriate project management and technical staff to complete the scope of services. The Project Manager will be responsible overall management of the Work Order assignment and knowledge of the day-to-day status of all work in progress in the above referenced projects.

The Project Manager shall update and report on the project schedule monthly, or as necessary. As soon as the Project Manager perceives any slippage with respect to the project schedule, the CMF must promptly notify the PD. The CMF shall notify DCA of all issues brought to the attention of the Design Firm and of the Design Firm's response to each.

The Project Manager shall assist the DCA in managing and monitoring numerous concurrent construction projects for compliance with all applicable State and Federal requirements, according to the conditions set forth in the Resilient Communities grant agreement and the DCA's policies and procedures.

The CMF's Project Manager will be present at all meetings requested by DCA. The Project Manager is not required to be a NJ Licensed Professional Engineer but must be qualified in construction management and oversight. If the Project Manager is not a NJ Licensed Professional Engineer, however, one must be included in the "Key Personnel" section of the bid. The CMF will be required to interact with and report to the PD and the CMF and work in coordination with Project Team and

any auditors and integrity monitors as required by the PD. The CMF shall notify the DCA in advance of any proposed change to the Project Manager position and request the change in accordance with the Contract Section 5.4.

## **SCOPE OF SERVICES**

The purpose of this Work Order is to engage a CMF to assist the DCA in managing and monitoring multiple construction projects for compliance according to the conditions set forth in the Resilient Communities grant agreement and the DCA's policies and procedures.

The CMF will also be responsible for the following tasks associated with overall grant project management:

- Draft and/or review a schedule for each project with the consultants/contractors starting at the design phase that includes intermediate and major milestones;
- Monitor project progress, including on-site inspections during the construction phase;
- Report monthly as to project progress, major milestones planned and actual, a cost summary that includes the base contract and modifications, critical issues or potential problems that DCA, the CMF and Sub-recipient should know about and various other issues, as applicable;
- Facilitate communication among project stakeholders, prepare progress reports, and provide regular updates to clients, contractors, and other involved parties;
- Review Construction Contractor reimbursement payment requests to DCA;
- Review Construction Contractor proposed agreement amendment (change order) modifications and recommend approval or disapproval;
- During construction, identify potential risks, develop risk mitigation strategies, and implement contingency plans to address unforeseen issues that may arise during the project;
- Monitor and verify adherence to policies and procedures; and
- Monitor construction labor compliance with Federal and State regulations and program policies and procedures, specifically concerning environmental conditions and requirements.

The CMF may be required to complete the following tasks associated with overall grant project management as requested by the PD:

- Schedule and coordinate progress meetings;
- Record meeting minutes if required;
- Assist DCA in retaining an independent cost estimating firm, in order to provide an Independent Cost Estimate ("ICE") for the project as required by federal law.
- Review/analyze independent cost estimates for accuracy;
- Manage expenditures throughout the project lifecycle by cost forecasting, tracking expenses, and identifying cost-saving measures;
- Assist in problem resolution;
- Compile documentation as required, including plans, permits, change orders, and other relevant paperwork for future reference and compliance; and

- Cooperate with the State Integrity Monitor, if applicable.

### **TASK 1: Design Oversight**

The CMF may be required to schedule a predesign conference with the project Design Firm soon after the design contract is awarded to review the scope of the design services required by the contract. The conference should be convened before the design effort starts.

The CMF may be required to complete the following as required by the PD:

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- Prepare, maintain and monitor the project schedule;
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- Incorporate design progress into monthly progress report;
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- Assist in problem resolution; and
- Help recommend alternate solutions when design details affect project cost or schedule.

In the event formal design reviews are required at the completion of each design phase milestone of the project to verify that the Design Firm has conformed to the scope of services in the design contract, constructability, coordination among disciplines and material usage and to relate the milestone achievement to the Master Schedule, the CMF's Design Review must ensure at a minimum:

- All project deliverables are submitted;
- Materials and equipment are appropriate, available, and non-proprietary;
- Drawings are coordinated among disciplines and bid packages;
- Areas of conflict are eliminated;
- Cost estimates are proper and within budget;
- Permit, regulatory and code compliance requirements are met;
- Documents are ready for permit review by the DCA, DEP, Subrecipient, or applicable regulatory agency; and
- Safety and security responsibilities are clear and appropriate in the contract documents.

In the event the CMF is required to make recommendations to the Design Firm to correct constructability issues or problems, and advises regarding potential errors and omissions discovered, the CMF shall not take any action that infringes on the Design Firm's professional and contractual responsibility to Subrecipient for the project design.

If a formal design review was required by the PD, after the completion of each formal design review, the CMF shall assemble and organize the comments from the various reviewers (Project Team, Municipal Code Officials, DCA UCC Unit, DEP) or other required regulatory agency and

incorporate them into a consolidated Design Review Report. The report shall contain comments on required corrections and improvements by discipline and specification section or drawing number.

## **TASK 2: General Reporting Requirements**

Throughout the duration of the projects, the CMF shall provide monthly progress reports to the DCA that summarize progress, highlight areas of concern and corrective actions. The monthly report should include, specifically:

- Project Schedule, with updates and revisions;
- Key milestones (achieved and slipped) with comments addressing each slippage and effects on the schedule;
- Percentage of construction complete and planned;
- Monthly cost status, including any contract modifications and claims summaries;
- Inspection report that includes the identification of deficiencies and corrective actions;
- Problems with labor monitoring reviews, discrepancies with invoices, problems that warrant the withholding of reimbursement funds, construction contractor record-keeping problems and any other significant issues, whether resolved or pending, with potential solutions;
- Monthly progress photos; and
- Projected activities for the next month.

If there are critical project issues during construction, the PD may require the CMF to provide a more frequent written progress report to the DCA that discusses the results of on-site inspections and communications with the Construction Contractor.

The CMF shall sign the “Certification of Performance” each month for the project that certifies, to their knowledge, work performed by the contractor during the month meets any and all requirements for quality control and quality assurance as they relate to equipment, materials and construction systems being installed. The Certification also includes, to their knowledge, that all equipment, materials, and construction systems have been installed according to contract specifications, construction drawings, code requirements and design submittals.

## **TASK 3: Inspections and Photographs**

The CMF shall provide qualified Project Managers, staff, or inspectors to verify that the workmanship, materials, and equipment being installed by the contractor meets or exceeds the requirements of the contract drawings and specifications. The CMF shall also mark up a set of as-built drawings to verify the Contractor’s official set of as-built drawings.

The CMF shall conduct monthly inspections on the construction sites of the projects and promptly notify the Contractor, the PD, and the Design Firm of any discrepancies. The CMF shall record the work inspected, identifying items that meet their requirements and that require correction.

The CMF's records shall also maintain an active list of Design Firm errors and omissions, indicating their corrective status.

The CMF is also responsible for taking monthly progress photographs with a digital camera that must include the general progress of all construction work and equipment installations. The camera views or locations must be the same each month.

The CMF will also ensure that safety protocols have been implemented to comply with all governmental, insurance and union requirements.

At the PD's request, the CMF shall review contract drawings, specifications, and approved submittals in preparation for upcoming inspections.

At the PD's request, the CMF shall request and coordinate any required inspections by the appropriate regulatory agency. The CMF's inspectors may be required to hold appropriate inspection and testing certifications for flood mitigation/ resiliency.

If there are critical project issues during construction, the PD may require CMF to inspect and report on the project more frequently than once a month.

#### **TASK 4: Contractor Deliverable Review**

The CMF shall be required to review and provide DCA with written comments and recommendations on each Design Firm and Construction Contractor project deliverable. Deliverables include, but are not limited to, invoices, progress reports, and project closeout requirements and are set forth in the Sub-recipient Grant Agreement. After completing review of deliverables, the CMF will convey to the DCA a written statement including comments and recommendations that should include the following:

- Confirm all required project deliverables are submitted, accurate, and complete;
- Confirm that all documents and records required to be submitted by the Design and Construction Contractors or the Project CMF to the State Integrated Recovery Operations and Management System (SIROMS) Document Library have been uploaded, properly completed, and properly named;<sup>1</sup>
- Confirm that all Design Firm, Construction Contractor, and CMF recordkeeping associated with this Work Order are up-to-date with design and construction project and contract milestones;
- Note any deficiencies associated with each deliverable;
- Make recommendations as to how to improve or correct deliverables;
- Note compliance, or lack thereof, with all Federal, State and Local rules and regulations;

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<sup>1</sup> The State Integrated Recovery Operations and Management System (SIROMS) Document Library is a Microsoft SharePoint document library developed and maintained by the NJ Department of Community Affairs Division of Disaster Recovery and Mitigation as the system of record for this CDBG-DR grant. Therefore, all contractors must use the document library.

- Evaluate schedule/time reasonableness comparing planned progress to actual progress;
- Make recommendations to the course of action if the design or construction contractor's deliverable recommends or proposes a course of action;
- Review all invoices and make recommendations regarding whether work has been completed satisfactorily and in accordance with contractual requirements, and whether the invoice should be paid in full or adjusted before submission to Sub-recipient; and
- Complete all initial invoice reviews, which are considered critical, within fifteen (15) calendar days of submission of the invoice by the construction contractor.

Except for invoice reviews, which must be completed by the CMF within fifteen (15) days of submission to ensure prompt payment, all deliverable reviews must be submitted as part of the monthly progress report (described in Task 2, above). Invoice reviews may be included in the monthly progress report if the monthly progress report deadline falls within the 15-day invoice review timeframe.

#### **TASK 5: Provide Independent Cost Estimates**

At the PD request, the CMF shall assist DCA in obtaining an Independent Cost Estimate ("ICE") for each project prior to bidding. The ICE will estimate the cost and fees associated with each project and must be prepared by a Licensed Professional Engineer.

The CMF shall establish a uniform procedure for reviewing, analyzing, and assessing each estimate submitted by the Design Firm and preparing an independent estimate for comparison purposes. The CMF may also be asked to make recommendations for corrective action or project revisions if it appears that the construction cost estimate may exceed the project budget.

#### **TASK 6: Scheduling, Master Schedule**

The CMF shall review the initial and final schedules submitted by the Construction Contractor and, in concert with the Design Firm, make recommendations for acceptance, revision or rejection by the PD. The CMF should verify that each activity is reasonably priced and that the workflow is logical, efficient and not contrived to unfairly benefit the contractor or put the State at risk.

The CMF shall develop a monitoring system for overseeing progress achieved by the Construction Contractors. The CMF must compare actual project progress to planned progress and take into consideration time-sensitive activities such as progress payments, receipt of submittals and others.

The CMF must notify the PD as soon as a project delay is encountered or expected. If a delay is identified during construction, the CMF must report the delay to the PD in writing, along with an assessment of the impact of the delay and whether it is excusable or not. The CMF must also recommend an appropriate course of action to overcome or mitigate the delay.

#### **TASK 7: Statement of Assurances Compliance**

The CMF is expected to be familiar with all HUD reporting and submission requirements, including, but not limited to: Davis-Bacon and Related Acts, Hatch Act, Section 3, lead-based

paint and the Uniform Relocation Act, etc. These requirements are also outlined in the CMF's Statement of Assurances document in the CMF's term contract (CMF-004).

The CMF shall review all project deliverables for HUD compliance and notify the PD in writing of any deficiencies or concerns. The CMF shall review all Construction Contractors' bid packages and processes, construction and professional services contracts, invoices, and payroll to ensure compliance with all the requirements outlined in the CMF's Statement of Assurances document and each Design Firm and Construction Contractor's contract requirements.

In addition, the CMF agrees to comply with all applicable Federal CDBG-DR laws, guidelines, and standards in a manner satisfactory to the State and HUD. To the extent that the CMF utilizes any subconsultants/subcontractors, the CMF shall require and ensure that each subconsultant/subcontractor complies with all applicable federal CDBG-DR laws, guidelines, and standards; any subcontracts entered into by the CMF shall set forth these requirements. The CMF also agrees to comply with all applicable Federal cross-cutting statutes and regulations, subject to waivers cited in the Federal Register Notices published on May 24, 2022 (87 FR 31636) and January 18, 2023 (87 FR 3198) and all other applicable waivers granted by HUD.

#### **TASK 8: Project CMF Review of Construction Contractor Invoices**

After a Construction Contractor submits an invoice, the CMF has fifteen (15) days within which to evaluate the invoice and make recommendations to the PD and Sub-recipient regarding the approval of reimbursements. After approval, the Construction Contractor shall submit the invoice to Subrecipient for payment.

In particular, the CMF shall:

- Verify that each payment is consistent with all applicable Federal, State, and Local laws, and that there is no duplication of benefits, process or payment errors, disallowable costs, waste, fraud, abuse, malfeasance or mismanagement of funds;
- Verify that all contract deliverables have been provided within acceptable timeframes for the duration of the engagement;
- Verify that all invoices are complete (i.e. including all contract-required documentation), accurate, and have been uploaded into the SIROMS Resilient Communities Program Document Library;
- If weaknesses, gaps or errors are detected, develop recommendations and strategies to ensure maximum Federal recoveries, compliance with all laws, and prevention of associated risks.

The CMF's approval of an invoice for payment shall constitute a representation to the Resilient Communities Program that, based on the CMF's determinations at the site and on the data comprising the Contractor's invoice, to the best of the CMF's knowledge, information and belief, the work has progressed to the point indicated and that the quality of the work is in accordance with the Contractor's contractual documents.

In the written monthly progress report described in Task 2, the CMF shall track the following:

- Unpaid invoice status;
- Any weaknesses, gaps, or errors and their associated recommendations and resolutions; and
- Withheld reimbursements for disallowed costs or incorrect labor payments and their associated resolutions.

The CMF shall assist the State in reviewing all Design Firm cost estimates and submissions to verify that project costs remain within the project budget. The CMF must report any disparities discovered in the project costs to the Project Team for resolution before proceeding on to the next phase of the design.

At the PD's request, the CMF shall assist the DCA in any negotiations or disputes with the professional services consultant, Design Firm or Construction Contractors.

At the PD's request, the CMF shall expedite the processing of the payments to meet the requirements of the State's Prompt Payment Act and to avoid incurring interest charges on late payments.

#### **TASK 9: Meetings and Conference Calls**

In order to stay informed on the progress of the project, the CMF's Project Manager and/or other appropriate personnel will be expected to attend meetings in various locations throughout the State. Most meetings will be held virtually, on the project site, or in Trenton. The CMF and/or other appropriate personnel will be expected to participate in conference calls regarding the project. These meetings or conference calls will be regularly scheduled, and additional meetings and/or conference calls may be scheduled as necessary as issues arise during the various stages of this project. Reimbursement for vehicle miles travelled will be at the federal reimbursement rate.

#### **TASK 10: Contract Modifications**

The CMF must avoid any instructions to the Contractors that the Contractors could interpret as modifying the contract. All modifications to any construction contracts must be processed as formal contract modifications in the form of a change order and approved by the Subrecipient and the PD after proper documentation by the Design Firm. The CMF shall evaluate potential modifications to determine if they are justified and within the scope of the contract, consulting as necessary with the Design Firm on technical issues or the PD on general issues.

At the PD's request, the CMF shall establish a procedure for contract modifications to initiate, define, coordinate, track and document contract modifications. The procedure would need to encompass potential contract modifications, contract modifications in progress and completed contract modifications for the Design Firm and the Construction Contractors. The procedure shall provide for:

- Prescribing the steps necessary to process modifications, including the required documentation;
- Defining party roles and responsibilities;
- Identifying, evaluating and justifying the need for modifications;

- Defining the scope of modifications;
- Tracking modifications in various stages; and
- Assessing the cost and time impacts of the modifications on the project.

At the PD's request, the CMF shall also make an assessment as to whether the proposed contract modification is due to a design deficiency. The Design Firm shall have the opportunity to rebut a determination of design deficiency, but the final decision on liability and the pursuit of recovery from the Design Firm is that of Sub-recipient as the procuring party.

### **TASK 11: Project Closeout**

The CMF shall schedule and coordinate the final inspection with the PD, the Design Firm, and the Construction Contractor. The CMF shall compile and then track the "punch list" for any deficiencies that need to be corrected. Once the punch-list items are corrected, the CMF shall ensure that all construction contract requirements are met and completed and that the Design Firm and Construction Contractor have complied with the Statement of Assurances, before deeming the project completed and recommending the start of the contract closeout process to the PD and the rest of the Project Team.

### **PAYMENT**

In accordance with the Request for Proposal (RFP), CMF invoices shall be submitted on a monthly basis using SIROMS. Invoices must include all program required information, signatures and supporting documentation prior to acceptance, approval and processing by DRM Finance and final approval by DCA Fiscal.

Invoices must be submitted monthly and will be reviewed based on work performed within the period of performance. Invoices must be based on the hourly rates previously established, and should reflect the hours expended to perform the work described.

### **Attachments**

Attachment 1 – Hurricane Ida Action Plan

(<https://www.nj.gov/dca/ddrm/home/Idaactionplan.shtml>)

Attachment 2 – Program Policies and Procedures

([https://www.nj.gov/dca/ddrm/pdf\\_docs/Resilient%20Communities%20Policy%20Manual\\_English\\_9.18.23\\_508v2.pdf](https://www.nj.gov/dca/ddrm/pdf_docs/Resilient%20Communities%20Policy%20Manual_English_9.18.23_508v2.pdf))

Attachment 3 – Project List

**WORK ORDER #02**  
**SCOPE OF WORK FOR RESILIENT COMMUNITIES**  
**CONSTRUCTION MANAGEMENT FIRM**

**April 19, 2024**

<b>IDIQ Multiple Award Term Contract:</b>	<b>CMF-004</b>
<b>DPMC Term Contract Number:</b>	<b>J0405-00</b>
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<b>Project Description:</b>	<b>Resilient Communities Program</b>
<b>Proposal Due Date:</b>	<b>May 16, 2024 at 2:00pm</b>
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*Resilient Communities Program*

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The five projects that will be managed by the CMF are:

1. Kingwood RC 100035 – New Emergency Services Building, Frenchtown, NJ
2. Flemington RC 100022 – Stormwater Management Borough of Flemington, NJ
3. Sayreville RC 100047– Stormwater Management Borough of Sayreville, NJ
4. Carteret RC100021 – Stormwater Management, Borough of Carteret, NJ.
5. Manville RC 100027 – Property Acquisition, floodplain clearing, Borough of Manville, NJ.

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The CMF shall sign the “Certification of Performance” each month for the project that certifies, to their knowledge, work performed by the contractor during the month meets any and all requirements for quality control and quality assurance as they relate to equipment, materials and construction systems being installed. The Certification also includes, to their knowledge, that all equipment, materials, and construction systems have been installed according to contract specifications, construction drawings, code requirements and design submittals.

## **TASK 3: Inspections and Photographs**

The CMF shall provide qualified Project Managers, staff, or inspectors to verify that the workmanship, materials, and equipment being installed by the contractor meets or exceeds the requirements of the contract drawings and specifications. The CMF shall also mark up a set of as-built drawings to verify the Contractor’s official set of as-built drawings.

The CMF shall conduct monthly inspections on the construction sites of the projects and promptly notify the Contractor, the PD, and the Design Firm of any discrepancies. The CMF shall record the work inspected, identifying items that meet their requirements and that require correction.

The CMF's records shall also maintain an active list of Design Firm errors and omissions, indicating their corrective status.

The CMF is also responsible for taking monthly progress photographs with a digital camera that must include the general progress of all construction work and equipment installations. The camera views or locations must be the same each month.

The CMF will also ensure that safety protocols have been implemented to comply with all governmental, insurance and union requirements.

At the PD's request, the CMF shall review contract drawings, specifications, and approved submittals in preparation for upcoming inspections.

At the PD's request, the CMF shall request and coordinate any required inspections by the appropriate regulatory agency. The CMF's inspectors may be required to hold appropriate inspection and testing certifications for flood mitigation/ resiliency.

If there are critical project issues during construction, the PD may require CMF to inspect and report on the project more frequently than once a month.

#### **TASK 4: Contractor Deliverable Review**

The CMF shall be required to review and provide DCA with written comments and recommendations on each Design Firm and Construction Contractor project deliverable. Deliverables include, but are not limited to, invoices, progress reports, and project closeout requirements and are set forth in the Sub-recipient Grant Agreement. After completing review of deliverables, the CMF will convey to the DCA a written statement including comments and recommendations that should include the following:

- Confirm all required project deliverables are submitted, accurate, and complete;
- Confirm that all documents and records required to be submitted by the Design and Construction Contractors or the Project CMF to the State Integrated Recovery Operations and Management System (SIROMS) Document Library have been uploaded, properly completed, and properly named;<sup>1</sup>
- Confirm that all Design Firm, Construction Contractor, and CMF recordkeeping associated with this Work Order are up-to-date with design and construction project and contract milestones;

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<sup>1</sup> The State Integrated Recovery Operations and Management System (SIROMS) Document Library is a Microsoft SharePoint document library developed and maintained by the NJ Department of Community Affairs Division of Disaster Recovery and Mitigation as the system of record for this CDBG-DR grant. Therefore, all contractors must use the document library.

- Note any deficiencies associated with each deliverable;
- Make recommendations as to how to improve or correct deliverables;
- Note compliance, or lack thereof, with all Federal, State and Local rules and regulations;
- Evaluate schedule/time reasonableness comparing planned progress to actual progress;
- Make recommendations to the course of action if the design or construction contractor's deliverable recommends or proposes a course of action;
- Review all invoices and make recommendations regarding whether work has been completed satisfactorily and in accordance with contractual requirements, and whether the invoice should be paid in full or adjusted before submission to Sub-recipient; and
- Complete all initial invoice reviews, which are considered critical, within fifteen (15) calendar days of submission of the invoice by the construction contractor.

Except for invoice reviews, which must be completed by the CMF within fifteen (15) days of submission to ensure prompt payment, all deliverable reviews must be submitted as part of the monthly progress report (described in Task 2, above). Invoice reviews may be included in the monthly progress report if the monthly progress report deadline falls within the 15-day invoice review timeframe.

#### **TASK 5: Provide Independent Cost Estimates**

At the PD request, the CMF shall assist DCA in obtaining an Independent Cost Estimate ("ICE") for each project prior to bidding. The ICE will estimate the cost and fees associated with each project and must be prepared by a Licensed Professional Engineer.

The CMF shall establish a uniform procedure for reviewing, analyzing, and assessing each estimate submitted by the Design Firm and preparing an independent estimate for comparison purposes. The CMF may also be asked to make recommendations for corrective action or project revisions if it appears that the construction cost estimate may exceed the project budget.

#### **TASK 6: Scheduling, Master Schedule**

The CMF shall review the initial and final schedules submitted by the Construction Contractor and, in concert with the Design Firm, make recommendations for acceptance, revision or rejection by the PD. The CMF should verify that each activity is reasonably priced and that the workflow is logical, efficient and not contrived to unfairly benefit the contractor or put the State at risk.

The CMF shall develop a monitoring system for overseeing progress achieved by the Construction Contractors. The CMF must compare actual project progress to planned progress and take into consideration time-sensitive activities such as progress payments, receipt of submittals and others.

The CMF must notify the PD as soon as a project delay is encountered or expected. If a delay is identified during construction, the CMF must report the delay to the PD in writing, along with an assessment of the impact of the delay and whether it is excusable or not. The CMF must also recommend an appropriate course of action to overcome or mitigate the delay.

#### **TASK 7: Statement of Assurances Compliance**

The CMF is expected to be familiar with all HUD reporting and submission requirements, including, but not limited to: Davis-Bacon and Related Acts, Hatch Act, Section 3, lead-based paint and the Uniform Relocation Act, etc. These requirements are also outlined in the CMF's Statement of Assurances document in the CMF's term contract (CMF-004).

The CMF shall review all project deliverables for HUD compliance and notify the PD in writing of any deficiencies or concerns. The CMF shall review all Construction Contractors' bid packages and processes, construction and professional services contracts, invoices, and payroll to ensure compliance with all the requirements outlined in the CMF's Statement of Assurances document and each Design Firm and Construction Contractor's contract requirements.

In addition, the CMF agrees to comply with all applicable Federal CDBG-DR laws, guidelines, and standards in a manner satisfactory to the State and HUD. To the extent that the CMF utilizes any subconsultants/subcontractors, the CMF shall require and ensure that each subconsultant/subcontractor complies with all applicable federal CDBG-DR laws, guidelines, and standards; any subcontracts entered into by the CMF shall set forth these requirements. The CMF also agrees to comply with all applicable Federal cross-cutting statutes and regulations, subject to waivers cited in the Federal Register Notices published on May 24, 2022 (87 FR 31636) and January 18, 2023 (87 FR 3198) and all other applicable waivers granted by HUD.

#### **TASK 8: Project CMF Review of Construction Contractor Invoices**

After a Construction Contractor submits an invoice, the CMF has fifteen (15) days within which to evaluate the invoice and make recommendations to the PD and Sub-recipient regarding the approval of reimbursements. After approval, the Construction Contractor shall submit the invoice to Subrecipient for payment.

In particular, the CMF shall:

- Verify that each payment is consistent with all applicable Federal, State, and Local laws, and that there is no duplication of benefits, process or payment errors, disallowable costs, waste, fraud, abuse, malfeasance or mismanagement of funds;
- Verify that all contract deliverables have been provided within acceptable timeframes for the duration of the engagement;
- Verify that all invoices are complete (i.e. including all contract-required documentation), accurate, and have been uploaded into the SIROMS Resilient Communities Program Document Library;
- If weaknesses, gaps or errors are detected, develop recommendations and strategies to ensure maximum Federal recoveries, compliance with all laws, and prevention of associated risks.

The CMF's approval of an invoice for payment shall constitute a representation to the Resilient Communities Program that, based on the CMF's determinations at the site and on the data comprising the Contractor's invoice, to the best of the CMF's knowledge, information and belief, the work has progressed to the point indicated and that the quality of the work is in accordance

with the Contractor's contractual documents.

In the written monthly progress report described in Task 2, the CMF shall track the following:

- Unpaid invoice status;
- Any weaknesses, gaps, or errors and their associated recommendations and resolutions; and
- Withheld reimbursements for disallowed costs or incorrect labor payments and their associated resolutions.

The CMF shall assist the State in reviewing all Design Firm cost estimates and submissions to verify that project costs remain within the project budget. The CMF must report any disparities discovered in the project costs to the Project Team for resolution before proceeding on to the next phase of the design.

At the PD's request, the CMF shall assist the DCA in any negotiations or disputes with the professional services consultant, Design Firm or Construction Contractors.

At the PD's request, the CMF shall expedite the processing of the payments to meet the requirements of the State's Prompt Payment Act and to avoid incurring interest charges on late payments.

#### **TASK 9: Meetings and Conference Calls**

In order to stay informed on the progress of the project, the CMF's Project Manager and/or other appropriate personnel will be expected to attend meetings in various locations throughout the State. Most meetings will be held virtually, on the project site, or in Trenton. The CMF and/or other appropriate personnel will be expected to participate in conference calls regarding the project. These meetings or conference calls will be regularly scheduled, and additional meetings and/or conference calls may be scheduled as necessary as issues arise during the various stages of this project. Reimbursement for vehicle miles travelled will be at the federal reimbursement rate.

#### **TASK 10: Contract Modifications**

The CMF must avoid any instructions to the Contractors that the Contractors could interpret as modifying the contract. All modifications to any construction contracts must be processed as formal contract modifications in the form of a change order and approved by the Subrecipient and the PD after proper documentation by the Design Firm. The CMF shall evaluate potential modifications to determine if they are justified and within the scope of the contract, consulting as necessary with the Design Firm on technical issues or the PD on general issues.

At the PD's request, the CMF shall establish a procedure for contract modifications to initiate, define, coordinate, track and document contract modifications. The procedure would need to encompass potential contract modifications, contract modifications in progress and completed contract modifications for the Design Firm and the Construction Contractors. The procedure shall provide for:

- Prescribing the steps necessary to process modifications, including the required

- documentation;
- Defining party roles and responsibilities;
- Identifying, evaluating and justifying the need for modifications;
- Defining the scope of modifications;
- Tracking modifications in various stages; and
- Assessing the cost and time impacts of the modifications on the project.

At the PD's request, the CMF shall also make an assessment as to whether the proposed contract modification is due to a design deficiency. The Design Firm shall have the opportunity to rebut a determination of design deficiency, but the final decision on liability and the pursuit of recovery from the Design Firm is that of Sub-recipient as the procuring party.

### **TASK 11: Project Closeout**

The CMF shall schedule and coordinate the final inspection with the PD, the Design Firm, and the Construction Contractor. The CMF shall compile and then track the "punch list" for any deficiencies that need to be corrected. Once the punch-list items are corrected, the CMF shall ensure that all construction contract requirements are met and completed and that the Design Firm and Construction Contractor have complied with the Statement of Assurances, before deeming the project completed and recommending the start of the contract closeout process to the PD and the rest of the Project Team.

### **PAYMENT**

In accordance with the Request for Proposal (RFP), CMF invoices shall be submitted on a monthly basis using SIROMS. Invoices must include all program required information, signatures and supporting documentation prior to acceptance, approval and processing by DRM Finance and final approval by DCA Fiscal.

Invoices must be submitted monthly and will be reviewed based on work performed within the period of performance. Invoices must be based on the hourly rates previously established, and should reflect the hours expended to perform the work described.

### **Attachments**

Attachment 1 – Hurricane Ida Action Plan

(<https://www.nj.gov/dca/ddrm/home/Idaactionplan.shtml>)

Attachment 2 – Program Policies and Procedures

([https://www.nj.gov/dca/ddrm/pdf\\_docs/Resilient%20Communities%20Policy%20Manual\\_English\\_9.18.23\\_508v2.pdf](https://www.nj.gov/dca/ddrm/pdf_docs/Resilient%20Communities%20Policy%20Manual_English_9.18.23_508v2.pdf))

Attachment 3 – Project List