

New Jersey Department of Transportation
1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600



Baseline Document Change Announcement

ANNOUNCEMENT: BDC17S-10

DATE: June 28, 2017

SUBJECT: Federal Procurement Requirements
- Revision to Subsections 102.10, 102.15, 105.02, 106.01, 107.14, and 108.01 of the 2007 Standard Specifications for Road and Bridge Construction.

REFERENCE: FHWA Attachments
- Add new FHWA Attachments and revise FHWA Attachment # 4
- BDC17S-11

Subsections 102.10, 102.15, 105.02, 106.01, 107.14, and 108.01 of the 2007 Standard Specifications have been revised to comply with the changes to the procurement regulations of the federal government at 2 CFR Part 200 and the FHWA's implementing regulations.

The following revisions have been incorporated into the Standard Input (SI 2007) as of June 28, 2017.

SECTION 102 – BIDDING REQUIREMENTS AND CONDITIONS

102.10 SUBMISSION OF BIDS

THE FOLLOWING IS ADDED TO THE SECOND PARAGRAPH

9. For Federal Aid Projects exceeding a bid amount of \$100,000 or more, Bidder shall certify to the Byrd Anti-Lobbying Act requirements under 31 USC 1352.

102.15 DISQUALIFICATION OF BIDDERS

THE FOLLOWING IS CHANGED TO THE SECOND PARAGRAPH AS IT APPEARS IN STANDARD INPUT (SI 2007)

14. Disqualification, suspension, or debarment of an individual, firm, partnership, corporation, joint venture, or any combination as required by N.J.A.C. 16:44-11.1 for state projects.

THE FOLLOWING IS ADDED TO THE LIST

15. Disqualification, suspension, or debarment of an individual firm, partnership, corporation, joint venture, or any combination as required by N.J.A.C. 16:44-11.1 or Federal Government's System for Award Management (SAM), located at <https://www.sam.gov/portal/SAM/#1forfederallyassistedcontracts>.

SECTION 105 – CONTROL OF WORK

105.02.01 Labor and Equipment

THE FIRST PARAGRAPH OF PART 1 IS CHANGED TO:

1. **Labor.** Employ workers that have sufficient skill and experience to properly perform the work assigned to them. Do not engage or employ current Department employees or workers that would cause the worker to be in violation of N.J.S.A. 52:13D-17. Do not engage or employ any former federal, state, or municipal worker who has been personally or individually debarred or subject to a forfeiture of public office pursuant to N.J.S.A. 2C:51-2.

105.02.05 Civil Rights Requirements

THE FIRST PARAGRAPH AS IT APPEARS IN STANDARD INPUT (SI 2007) IS CHANGED TO:

The Contractor is obligated to comply with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21 and 28 CFR Section 50.3, 2 C.F.R. Part 200 and 2 C.F.R. Part 200 Appendix II and any other Rules relative to Nondiscrimination as they may be amended from time to time, which are herein and incorporated by reference and made part of the Contract. The Contractor in the performance of the Contract agrees to comply with nondiscrimination regulations and other requirements as specified in [Section 107](#). Failure of a Contractor to comply with the nondiscrimination provisions of the Contract may result in the actions as set forth as specified in Sections [105](#), [108](#) and [109](#).

THE SECOND PARAGRAPH OF PART 1 AS IT APPEARS IN STANDARD INPUT (SI 2007) IS CHANGED TO:

1. **Federal Aid Projects.** On contracts containing Federal funding, Federal EEO regulations and goals apply as specified in Federal Aid Project Attachments 1 through 11. The DCR/AA monitors and reviews these projects on behalf of the Federal Highway Administration (FHWA), under Federal statutes (23 USC 140) and rules (23 CFR 230, 2 CFR Part 200).

SECTION 106 – CONTROL OF MATERIAL

106.01 SOURCE OF SUPPLY AND QUALITY REQUIREMENTS

THE FIRST PARAGRAPH IS CHANGED TO:

Ensure that materials furnished for the Project are new, unless otherwise specified in the contract. Comply with 2 CFR 200.322 Procurement of Recovered Materials “to the highest percentage of recovered materials practicable” where the purchase price of the covered item listed exceeds \$10,000. Use materials that conform to the requirements of the contract. When required by the Contract, use only products and suppliers listed on the QPL. Use sources of materials that have been approved by the Department on a Materials Questionnaire as specified in 106.04.

SECTION 107 – LEGAL RELATIONS

107.14 PATENTED DEVICES, MATERIALS, AND PROCESSES

THE FOLLOWING IS ADDED

Observe 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements” and any implementing regulations set forth by the USDOT, FHWA or FAA if State contract is for the performance of experimental, developmental, or research work funded under a Federal Aid Project.

SECTION 108 – PROSECUTION AND COMPLETION

108.01 SUBCONTRACTING**3. Subcontract Requirements.**

THE ENTIRE PART A IS CHANGED TO:

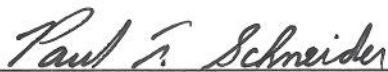
- a. **Federal Aid Projects.** When subcontracting work on a Federal Aid project, ensure the following are included in the subcontract agreement.
1. Disadvantaged Business Enterprise Utilization (Federal Aid Project Attachment 1), or Emerging Small Business Enterprise Utilization (Federal Aid Project Attachment 1).
 2. Specific Equal Employment Opportunity Responsibilities on NJDOT Federal Aid Projects (Federal Aid Project Attachment 2).
 3. Requirements for Affirmative Action to Ensure Equal Employment Opportunity on NJDOT Federal Aid Projects (Federal Aid Project Attachment 3).
 4. Federal Equal Employment Opportunity Contract Specifications for NJDOT Federal Aid Projects (Federal Aid Project Attachment 4).
 5. State of New Jersey Mandatory Equal Employment Opportunity Language on NJDOT Federal Aid Projects (Federal Aid Project Attachment 5).
 6. Investigating, Reporting, and Resolving Employment Discrimination and Sexual Harassment Complaints on NJDOT Federal Aid Projects (Federal Aid Project Attachment 6).
 7. Payroll Requirements for NJDOT Federal Aid Projects (Federal Aid Project Attachment 7).
 8. FHWA-1273 Required Contract Provisions, Federal Aid Construction Contracts as amended or supplemented (Federal Aid Project Attachment 8).
 9. State Mandatory Addendum to FHWA-1273 Required Contract Provisions, Federal Aid Construction Contracts as Amended or Supplemented (Federal Aid Project Attachment 9).
 10. Federal Mandatory Equal Opportunity Language on Federal Aid Projects (Federal Aid Project Attachment 10).
 11. Byrd Anti-Lobbying Certification (Federal Aid Project Attachment 11).
 12. The Standard Title VI Assurance found in Subsection 107.02, as amended or supplemented.
 13. General Wage Determinations Issued Under the Davis-Bacon and Related Acts.
 14. New Jersey Department of Labor Prevailing Wage Rate Determination.
 15. New Jersey Department of Transportation Code of Ethics for Vendors.
 16. Subsection 107.04 as amended or supplemented.
 17. Subsection 106.10 as amended or supplemented.
 18. The Contract Assurance found in Subsection 107.03, as amended or supplemented.

Implementation Code H (HIGH PRIORITY)

Changes must be implemented in all applicable Department projects scheduled for advertisement after July 1, 2017.

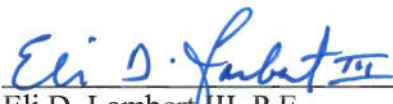
If necessary, addenda must be issued to incorporate the changes. The changes should NOT be incorporated if issuance of addenda will require a postponement of the receipt of bids.

Recommended By:



 Paul F. Schneider
 Director
 Capital Program Support

Approved By:



 Eli D. Lambert III, P.E.
 Assistant Commissioner
 Capital Program Management