

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
REQUEST FOR QUALIFICATIONS (RFQ)**

**Architectural and Engineering Services On An As-Needed Basis
2023-RFQ-196**

Event	Date	Time
Electronic Question Due Date	September 20, 2024	1:00 PM ET
Qualification Submission Due Date	October 15, 2024	1:00 PM ET

Dates are subject to change. All changes will be reflected in Addenda to the RFQ posted on New Jersey Economic Development Authority's (NJEDA) website.

Table of Contents

1.0 INFORMATION FOR PROPOSERS 3
1.1 PURPOSE AND INTENT 3
1.2 QUESTIONS AND CLARIFICATIONS 3
1.3 PROJECTED MILESTONE DATES 4
1.4 QUALIFICATION SUBMITTAL – ELECTRONIC OR HARD COPY 4
1.5 ELECTRONIC QUALIFICATION SUBMISSION (STRONGLY PREFERRED)..... 4
1.6 ELECTRONIC SIGNATURE 4
1.7 HARD COPY QUALIFICATION SUBMITTAL 5
1.8 OPEN PUBLIC RECORDS ACT 6
1.9 JOINT VENTURE 6
2.0 DEFINITIONS 7
2.1 GENERAL DEFINITIONS 7
2.2 SCOPE OF SERVICES SPECIFIC DEFINITIONS 8
3.0 SCOPE OF SERVICES 10
4.0 ELIGIBILITY REQUIREMENTS: 11
4.1 SUBMITTAL REQUIREMENTS: 11
5.0 METHOD OF OPERATION 13
6.0 COMPLIANCE REQUIREMENTS 15
7.0 PROTEST OF RECOMMENDED AWARD 16

1.0 INFORMATION FOR PROPOSERS

This Request for Qualifications (“RFQ”) is issued by the New Jersey Economic Development Authority (“Authority” or “NJEDA”) to solicit Qualifications from Architecture/Engineering (A/E) firms or organizations that provide architectural services and can employ applicable sub-consultants, (“Firms”) to provide architecture and engineering services to the Authority on an as-needed basis. Firms selected as “Qualified Firms” under this RFQ will be designated for a term of three (3) years with – two (2), one (1) year extension options.

NOTE: Any Bidders intending on submitting a Proposal as a Joint Venture, please see Section 1.9 *Joint Venture*.

1.1 PURPOSE AND INTENT

The NJEDA seeks to solicit qualifications from Firms that can support the Authority with:

- Architectural/Engineering Services
- Architectural Design and Programming Services
- Planning Services
- Construction Inspection Services

This RFQ is intended to identify a pool of Qualified Firms whose qualifications and experience make them the most qualified to provide the services outlined in the Scope of Services. It is possible that some Firms in the pool may be designated as a Qualified Firm for more than one (1) type of project.

1.2 QUESTIONS AND CLARIFICATIONS

Any questions regarding the RFQ should be directed in writing to EDAProcurementQA@njeda.gov.

NJEDA will not accept any telephone calls regarding this RFQ process – all questions and/or requests for clarification should be submitted in writing). The deadline for questions is **1:00p.m. on 9/20/2024**. The subject line of the e-mail should state: **QUESTIONS-RFQ-196– Architectural and Engineering Services On An As-Needed Basis**.

All questions and answers with regard to the RFQ will be posted on the NJEDA’s website no later than two (2) days prior to the qualification’s submission date.

Interested parties are encouraged to frequently check the Bidding Opportunities section of NJEDA’s website from the date and time the RFQ is issued, up to and including issuance of final Addenda and Questions and Answers. Information pertaining to **RFQ-196-Architectural and Engineering Services On An As-Needed Basis** is available at [Bidding Opportunities - NJEDA](#) which will include any updates, additional information and/or addenda pertaining to this RFQ, as well as posted questions and answers. All addenda to the original RFQ will be posted on NJEDA’s website and will become part of this RFQ and will be incorporated by reference in the final contract(s) resulting from this RFQ.

It is the sole responsibility of the Bidder to be knowledgeable of all Addenda related to this procurement.

1.3 PROJECTED MILESTONE DATES

The following dates are provided to Bidders for planning purposes only. These are estimated timeline dates and do not represent a firm date commitment by which the Authority will take action:

Q&A Period Ends: Friday, September 20, 2024 @ 1:00 p.m. ET
If required, Addendum: Wednesday, October 2, 2024 @ 1:00 p.m. ET
Qualification Submittals Due: Tuesday, October 15, 2024 @ 1:00 p.m. ET

1.4 QUALIFICATION SUBMITTAL – ELECTRONIC OR HARD COPY

In order to be evaluated and considered for award, the Qualification Submittal must be received by the Authority at the appropriate location and by the required time indicated on the cover sheet, either electronically or hard copy.

The RFQ will be available commencing on 9/10/2024, on the NJEDA website at [Bidding Opportunities - NJEDA 2023-RFQ-196](#).

1.5 ELECTRONIC QUALIFICATION SUBMISSION (STRONGLY PREFERRED)

Bidders should submit a complete, ELECTRONIC Qualification Submittal, in “read only” PDF file format using software capable of saving a file in PDF format (such as Adobe Acrobat Reader) as the file must be readily viewable by Authority evaluators.

The subject line of the RFQ submission and any attachments are all to be clearly labeled.

EACH electronically uploaded file (Professional Services Qualification Statement (PSQS), Attachment Submittals, etc.) submission should follow the following format:

“(Bidder’s Company Name) – Qualification Submittal-**2023-RFQ-196–ARCHITECTURAL AND ENGINEERING SERVICES ON AN AS-NEEDED BASIS**

All RFQ electronic Qualification Submittal documents must be uploaded to the Authority’s ShareFile system via: <https://njeda.sharefile.com/r-r8bc79e867a8b419aac85206f6f25018f>

It is highly recommended that you initiate the upload of your Qualification Submittal a minimum of four (4) hours prior to the Submission due date/time as referenced on the front cover of the RFQ to allow some time to identify and troubleshoot any issues that may arise when using the Sharefile application. Technical inquiries may be directed to EDAProcurementQA@njeda.gov.

NOTE: Any submittals received after the date and time specified shall not be considered. All Qualification Submittals, once opened, become the property of the Authority and cannot be returned to the Bidder. If a Bidder uploads multiple duplicate documents, NJEDA will only consider the last version of the document uploaded, provided that it is uploaded by the stated deadline.

1.6 ELECTRONIC SIGNATURE

Pursuant to written policy, the Authority allows documents to be signed electronically and hereby agrees to be bound by such electronic signatures. Proposers submitting PSQS forms electronically, as signatory to the documents, may sign the forms electronically, and agree to be bound by the electronic signatures. The Authority will accept the following types of electronic signatures: (1) Within Microsoft Word, an individual can go to the “Insert” ribbon at the top of the screen, then within the “Text” section go to the “Signature Line” and enter the information, which creates a security procedure/record attributable to the person signing when transmitted via e-mail or other electronic

transfer or; (2) Within Adobe Acrobat DC, go to the “Fill & Sign” “Stamps-Dynamics” or “Certificates” within the “Tools” ribbon and enter the information, which creates a security procedure/record attributable to the person signing when transmitted via e-mail or other electronic transfer; or (3) Digital signatures from Adobe Acrobat DC or produced via similar signature authenticating program (i.e., DocuSign or similar software), which creates a security procedure/record attributable to the person signing.

By submitting an electronic signature, the Bidder is agreeing to be bound by the electronic signature.

Scanned physical signatures will also be accepted, provided that the forms are otherwise properly completed.

This practice applies only to Qualification Submissions submitted electronically and the forms listed above. Both electronic signatures and scanned physical signatures will also be accepted, provided that the forms are otherwise properly completed.

1.7 HARD COPY QUALIFICATION SUBMITTAL

If submitting a hard copy, in a securely SEALED envelope or carton, Qualification Submittal must be delivered by the required date and time indicated on the cover sheet, in order to be considered for award to the following:

ATTN: DOUGLAS ALBIN
PROCUREMENT DEPARTMENT
NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
36 WEST STATE STREET
PO BOX 990
TRENTON, NEW JERSEY 08625-0990

The exterior of all Qualification Submittal packages are to be clearly labeled with the RFQ title, bid opening date and time, and the Bidder’s name and address:

2023-RFQ-196–ARCHITECTURAL AND ENGINEERING SERVICES ON AN AS-NEEDED BASIS 1p.m. on 10/15/2024

Submit one (1) ink signed, original hard copy Qualification submittal with all the required documentation and signatures in ink, and one (1) copy marked “COPY”.

Qualification Submittals by facsimile will not be considered.

ANY SUBMITTAL NOT RECEIVED ON TIME AT THE LOCATION INDICATED WILL BE AUTOMATICALLY REJECTED. THE AUTHORITY WILL NOT BE RESPONSIBLE FOR LATE POSTAL OR DELIVERY SERVICE. THE POSTMARK DATE WILL NOT BE CONSIDERED IN HONORING THE BID DATE RECEIPT AND TIME.

The Authority shall not be responsible for any delivery/postal service’s failure to deliver in a timely manner. A Bidder using U.S. Postal Service regular or express mail services should allow additional time to ensure timely receipt of qualifications since the U.S. Postal Service does not deliver directly to the Authority.

Any Qualification Submittal received after the date and time specified shall not be considered, whether submitted electronically or in hard copy.

Responses to this RFQ will be available, upon request, for public inspection. All Bidders are cautioned that NJEDA is subject to the provisions of the New Jersey Open Public Meetings Act, the

New Jersey Open Public Records Act, New Jersey Right-to-Know statutory law and relevant case law.

Note: Directions to the Authority's Trenton location for the public bid opening occurring on 10/15/2024 at 1:00pm, can be found at the following web address:

<https://www.njeda.gov/about> at the bottom of the screen under the "Locations" section of the website.

1.8 OPEN PUBLIC RECORDS ACT

The Authority, as an instrumentality of the State of New Jersey, is subject to the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1.1 et seq.), as amended and including all applicable regulations and policies and applicable case law, including the common law right to know. Subsequent to the Proposal submission opening, all information submitted by Proposer in response to a solicitation is considered public information, notwithstanding any disclaimers to the contrary submitted by a Bidder. When the RFP contains a negotiation component, the Proposal will not be subject to public disclosure until a conditional Notice of Award is issued.

As part of its Proposal, a Bidder may designate any data or materials it asserts are exempt from public disclosure under OPRA and/or the common law, explaining the basis for such assertion. The location in the Proposal of any such designation should be clearly stated in a cover letter.

A Bidder **shall** not designate any price lists and/or catalogs submitted as exempt from public disclosure.

Any proprietary and/or confidential information in the Bidder's Proposal will be redacted by the Authority. A Bidder may designate specific information as not subject to disclosure pursuant to the exceptions to OPRA found at N.J.S.A. 47:1A-1.1, when the Proposer has a good faith legal and/or factual basis for such assertion. The Authority reserves the right to make the determination as to what is proprietary or confidential and will advise the Proposer accordingly. **The Authority will not honor any attempt by a Proposer to designate its entire Proposal as proprietary, confidential and/or to claim copyright protection for its entire Proposal.** Copyright law does not prohibit access to a record which is otherwise available under OPRA. In the event of any challenge to the Proposer's assertion of confidentiality with which the Authority does not concur, the Proposer shall be solely responsible for defending its designation, but in doing so, all costs and expenses associated therewith **shall** be the responsibility of the Bidder. The Authority assumes no such responsibility or liability.

1.9 JOINT VENTURE

If a Joint Venture is submitting a Qualification Submittal, the agreement between the parties related to the Joint Venture should be submitted with the Joint Venture's Qualification Submittal. Authorized signatories from each party comprising the Joint Venture must sign the Signatory Page (Exhibit D). Each party to the Joint Venture must individually complete and comply with all the forms and certification requirements in the bid solicitation document.

2.0 DEFINITIONS

2.1 GENERAL DEFINITIONS

Addendum – Written clarification or revision to this RFQ issued by the Authority.

Authority – The New Jersey Economic Development Authority.

Bidder – An individual or business entity submitting a Proposal in response to this RFQ.

Board of Directors – Responsible for the management of all New Jersey Economic Development Authority operations.

Business Day – Any weekday, excluding Saturdays, Sundays, Authority legal holidays, and State-mandated closings unless otherwise indicated.

Calendar Day – Any day, including Saturdays, Sundays, State legal holidays, and State-mandated closings unless otherwise indicated.

Chief Executive Officer (CEO) – The Individual, or his/her designee, who has authority as the Chief Contracting Officer for the New Jersey Economic Development Authority.

Contractor – a Qualified Firm who, by any one of the Methods of Operation, has been selected by NJEDA to undertake tasks pursuant to a Task Order Request.

Director – The Director or Managing Director of Procurement, New Jersey Economic Development Authority.

Disabled Veterans' Business – means a business which has its principal place of business in the State, is independently owned and operated and at least 51% of which is owned and controlled by persons who are disabled veterans or a business which has its principal place of business in this State and has been officially verified by the United States Department of Veterans Affairs as a service disabled veteran-owned business for the purposes of department contracts pursuant to federal law. N.J.S.A. 52:32-31.2.

Disabled Veterans' Business Set-Aside Contract – means a Contract for goods, equipment, construction or services which is designated as a Contract with respect to which bids are invited and accepted only from disabled veterans' businesses, or a portion of a Contract when that portion has been so designated. N.J.S.A. 52:32-31.2.

Evaluation Committee – A committee established, or Authority staff member assigned by the requesting department, to review and evaluate Qualifications submitted in response to this RFQ.

Joint Venture – A business undertaking by two or more entities to share risk and responsibility for a specific project.

May – Denotes that which is permissible, not mandatory.

Must – Denotes that which is a mandatory requirement. Failure to meet a mandatory material requirement will result in the rejection of a Submittal as non-responsive

Project – The undertaking or services that are the subject of this RFQ.

Procurement – The Department of the New Jersey Economic Development Authority responsible for the tasks and activities associated with procurement.

Professional Services Qualification Statement (PSQS) – Mandatory from with Qualification, with information which is specific to the office or branch responding to the RFQ.

Qualified Firm – An individual or business entity having been selected to become part of the pool established under this RFQ.

Qualification Submittal – Proposer’s timely response to the RFQ including, but not limited to, the submittal requirements, any licenses, forms, certifications, or other documentation required by the RFQ.

Request for Qualifications (RFQ) – This series of documents, which establish the project requirements and solicits Qualifications to meet the needs of the Authority, as identified herein, and includes the Request for Qualifications, attachments and addenda.

Shall – Denotes that which is a mandatory requirement. Failure to meet a mandatory material requirement will result in the rejection of a Proposal as non-responsive.

Should – Denotes that which is recommended, not mandatory.

Small Business – Pursuant to N.J.A.C. 17:13-1.2, “small business” means a business that meets the requirements and definitions of “small business” and has applied for and been approved by the New Jersey Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit as (i) independently owned and operated, (ii) incorporated or registered in and has its principal place of business in the State of New Jersey; (iii) has 100 or fewer full-time employees; and has gross revenues falling in one (1) of the three (3) following categories: For goods and services – (A) 0 to \$500,000 (Category I); (B) \$500,001 to \$5,000,000 (Category II); and (C) \$5,000,001 to \$12,000,000, or the applicable federal revenue standards established at 13 CFR 1221.201, whichever is higher (Category III); For construction services: (A) 0 to \$3,000,000 (Category IV); (B) gross revenues that do not exceed 50 percent of the applicable annual revenue standards established at 13 CFR 121.201 (Category V); and (C) gross revenues that do not exceed the applicable annual revenue standards established at CFR 121.201 (Category VI).

Small Business Set-Aside Contract – means (1) a Contract for goods, equipment, construction or services which is designated as a Contract with respect to which bids are invited and accepted only from small businesses, or (2) a portion of a Contract when that portion has been so designated. N.J.S.A. 52:32-19.

State – The State of New Jersey.

Task – A discrete unit of work to be performed.

TOR (Task Order Request) – A Contract that provides for the issuance of Task Order Requests for the performance of tasks or services that were anticipated, but not specified within the original scope of work. When tasks or services are necessary, a TOR is a written description of the task or service for which proposals and quotes for the TOR will be solicited.

Will – Denotes that which is permissible or recommended, not mandatory.

2.2 SCOPE OF SERVICES SPECIFIC DEFINITIONS

Architectural/Engineering Services – For purposes of this RFQ, services shall consist of the following: Architectural/Engineering Services, Architectural Design and Programming Services, Planning Services, and Construction Inspection Services.

Architect of Record – the architect licensed by the State who has the contract responsibility for the Project, who designs and prepares the construction documents from which the building is constructed, and who signs the required documents.

Laboratory or Tech Related Projects – A project containing research laboratories, pharmaceutical, biotech, or similar related technology.

Mechanical, Electrical & Plumbing (MEP) – an MEP engineering firm can provide mechanical, electrical and plumbing to a project.

Mixed-Use Project – A project containing a combination of uses such as, multi-family housing, office, retail, parking structure, and other related commercial uses.

Notice to Proceed (NTP) – a notification letter that indicates that performance should begin under a specific contract.

Office Projects – A project containing mostly office space.

3.0 SCOPE OF SERVICES

The NJEDA is seeking to establish a pool of Qualified Firms for the disciplines listed below for a variety of potential services related to planning, feasibility, building assessments, and design services. As mentioned in Section 1.1, Qualified Firms will be selected based on the applicable project types submitted on their PSQS and Firm Matrix, for the disciplines identified in this section, as listed below:

- Architectural/Engineering Services
- Architectural Design and Programming Services
- Planning Services
- Construction Inspection Services

Qualified Firms possessing expertise in other architectural or engineering disciplines not identified above are also encouraged to provide supporting documentation for those disciplines.

However, any proof of expertise provided in other architectural or engineering disciplines not identified above will be accepted by the Authority for **informational purposes only** and will not be taken into consideration during the evaluation process.

Each project or Task Order Request (TOR) will be based on project types. Some examples include:

- Office Projects
- Laboratory or Tech Related Projects
- Mixed Use Projects
- Other Projects

Examples of types of work requested for the aforementioned project types could include:

- project feasibility studies
- basis of design
- space planning
- facility assessments
- tenant fit-outs
- renovations
- site planning
- or related design services

NOTE: The above list of disciplines is not exhaustive, and there may be a project that requires a discipline not listed. In such case, the pool of Qualified Firms will be notified of the specific scope of work and may account for the needed discipline, with NJEDA approval as necessary to complete the desired project.

4.0 ELIGIBILITY REQUIREMENTS:

In order to be considered for selection to the pool, Bidders must submit the Professional Services Qualification Statement (“**PSQS**”), Exhibit A.

(The PSQS form is also accessible on NJEDA’s website at: <https://www.njeda.gov/bidding/#forms>)

4.1 SUBMITTAL REQUIREMENTS:

When preparing your firm’s Qualifications Submittal in response to this solicitation, keep in mind that, in the RFQ, the word “**shall**” or “**must**” denotes submittal items which are mandatory for a Qualifications Submittal to be complete; the words “**should**” or “**may**” denotes submittal items which are recommended, but not mandatory.

Bidders shall showcase their background and variety of scopes that fall under the PSQS areas of discipline.

Bidders shall submit the following:

1. Team Structure and Resources

- a. Professional Services Qualification Statement (“PSQS”) - Firms **must** submit or update an existing PSQS that NJEDA has on file within the last two years.
- b. The Bidder **must** provide a team organization chart listing and identifying all key project team members/sub-consultants that will be assembled to provide the Scope of Services as described in this RFQ. Bidder’s **must** provide a narrative of sub-consultant firm’s anticipated role within this Scope of Services. **This is intended to be qualifications of the Firm and not specific staff.**

2. Professional Firm Experience

- a. Using the Firm Matrix (Exhibit I), Bidders **shall** provide a listing of up to five (5) representative projects within the last ten (10) years which most closely resemble the architectural & engineering services described in this Scope of Services. Itemize only completed projects or those under construction where the bidding firm was (is) the Architect of Record. Do not list feasibility work or any projects which did not reach the construction stage. List only those projects which have been performed in entirety by the office submitting the PSQS. Please do not submit projects by your former firm name or by employees while at another firm.
- b. In addition to the Firm Matrix, Bidders may provide a separate project profile with the Qualifications Submittal.

3. Scope Of Services Understanding

Bidders shall provide a narrative describing understanding of Scope of Services and the firm’s approach to successfully providing the Scope of Services.

4. Presentation

Submissions should be written clearly with correct spelling and grammar. Information should be presented in an organized fashion that responds accordingly to the submission requirements.

Important: If an integrated A/E firm is submitting a proposal, then only one (1) Firm Matrix is necessary. If there are subconsultants or key team members, each of them should submit a separate Firm Matrix.

4.2 RANKING CRITERIA

NJEDA will evaluate Bidders for selection as Qualified Firms based upon the following criteria.

- A. Team Structure and Resources:** The Bidder's identification of the professional background of all project team members/sub-consultants that will be assembled to provide the Scope of Services as described in this RFQ. Firms that can demonstrate the ability to provide more resources in-house and to showcase multi-discipline staff will receive higher rankings. Additionally, Firms that demonstrate the ability to provide additional architectural or engineering disciplines not identified in RFQ Section 3.0, but deemed valuable to NJEDA Projects, will receive higher rankings.
- B. Professional Firm Experience:** Direct project experience of the Firm(s) that will be providing the architectural & engineering services described in this Scope of Services. Firms that can demonstrate the ability to handle projects of complexity and/or required multiple design disciplines, will receive higher rankings.
- C. Scope of Work Understanding:** Bidders shall demonstrate that they possess an understanding of the types of work and the potential services they can provide to support the Authority. This should be communicated via a written narrative that conveys the firm's ability to provide the Scope of Services and reason for interest.
- D. Presentation:** Bidders will be evaluated on the above technical criteria as well as their ability to properly and aesthetically present the information requested in this Scope of Services. This submission is considered a reflection of the firm and an expectation of their deliverable quality.

5.0 METHOD OF OPERATION

5.1 SELECTION OF QUALIFIED FIRMS/MINI EVALUATION

Mini Evaluation

The Designated Contract Manager (DCM) or their delegate will determine which Qualified Firms to solicit when services are required in one of the following ways:

1. Qualified Firms will be selected based on the applicable area of discipline submitted on their Professional Services Qualification Submittal (PSQS), the disciplines as defined in this RFQ (Section 3) and the services that are required, such as:
 - Office Projects
 - Laboratory or Tech Related Projects
 - Mixed Use Projects
 - Other Projects
2. The DCM or their delegate will solicit responses from all Qualified Firms in a mini evaluation.

5.2 TASK ORDER REQUESTS (TORs)

During the term of the Contract, the Authority may issue a Task Order Request (TOR), Exhibit B1 to the successful firm, specific as to the above Section 3.0 pertaining to the Scope of Services for the Authority. The Qualified Firm will be required to respond to each TOR describing its strategy in completing the services required as follows:

- A. The TOR, Exhibit B1, will specify tasks and services, as well as any required deadlines.
- B. The TOR will state to whom at the Authority the TOR response should be addressed.
- C. The Qualified Firm must review the TOR to determine that no conflict of interest exists for the services, then return a signed TOR – Conflict of Interest Certification Statement, Exhibit B2, to the Authority's Designated Contract Manager within three (3) business days.
- D. If no conflict exists, the Qualified Firm must return a completed TOR Vendor Response Form, Exhibit B3, to the Authority's Designated Contract Manager within five (5) business days. The TOR Vendor Response Form, Exhibit B3, shall include a cost estimate in accordance with the Qualified Firm's submitted Fee Schedule. The Authority will then either accept the firm's TOR proposal, or respond to further negotiate the cost, Scope of Work, and time needed to complete the task/project.
- E. Any adjustments to hours or positions/titles (i.e. substituting a subcontractor or staff employee) are subject to the final approval of the Authority's Designated Contract Manager, at his/her sole discretion.
- F. It is further understood that the Authority is under no obligation to solicit responses to the TORs and/or retain the Qualified Firm for any TOR-based services. There is no guaranteed minimum number of requests the Authority may issue throughout the term of the Contract and any extensions thereto.
- G. No work may begin for any TOR until the Authority issues a written notice to proceed to the Qualified Firm.

Any adjustments to hours or positions/titles (i.e. substituting a subcontractor or staff employee) are subject to the final approval of the Authority's DCM, at his/her sole discretion, or his designee.

The selected Contractor for awarded projects, shall provide any required compliance within five (5) business days of notice of award.

6.0 COMPLIANCE REQUIREMENTS

Exhibit E: Notice of Required Compliance” is attached to this RFQ FOR INFORMATIONAL PURPOSES ONLY.

If awarded, the successful entity agrees that it shall comply with all requirements of these provisions. If the successful entity fails to comply with the requirements of these provisions, the NJEDA may declare any contract for these services void.

6.1 INSURANCE

The Insurance requirements are included as Exhibit F with this RFQ **FOR INFORMATIONAL PURPOSES ONLY.**

6.2 RIGHT TO WAIVE

The Authority reserves the right to waive minor irregularities or omissions in a Proposal. The Authority also reserves the right to waive a requirement provided that:

- A. the requirement is not mandated by law;
- B. all of the otherwise responsive Proposals failed to meet the requirement; and
- C. in the sole discretion of the Authority, the failure to comply with the requirement does not materially affect the procurement or the Authority's interests associated with the procurement.

6.3 SIGNATORY PAGE (MANDATORY FORM WITH QUALIFICATION SUBMITTAL)

A Signatory Page (Exhibit D) must accompany this RFQ if the Bidder is in a Joint Venture as per Section 1.9. The Signatory Page must include all authorized signatories from each party comprising the Joint Venture.sign. If the Bidder is a limited partnership, a Signatory Page must be signed by each general partner. Failure to comply will result in rejection of the Qualifications Submittal as non-responsive and preclude the award of a Contract to said Bidder.

Note: A Bidder’s written signature on the Signatory Page will NOT serve as a certifying signature on any other Mandatory Compliance forms required. Each mandatory compliance document must be individually signed.

7.0 PROTEST OF RECOMMENDED AWARD

In order to protest a Bidder's selection ("award") or denial as a Qualified Firm by the Authority the protest must be submitted to the Authority's Senior Vice President – Business Support within ten (10) business days of receipt of the notification that the Bidder was not selected. In order to be considered complete, a protest must: (i) identify the Bidder that is submitting the protest, (ii) identify the Contract award that is being protested, (iii) specify all grounds for the protest (including all arguments, materials and/or documents that support the protest); and, (iv) indicate whether an oral presentation is requested, and if so, the reason for the oral presentation. A Hearing Officer will be designated by the Authority's Senior Vice President – Business Support. The designated Hearing Officer will review all timely and complete Vendor protests and will have sole discretion to determine if an oral presentation by the protester is necessary to reach an informed decision on the matter(s) of the protest.

After completing his or her review of the protest, the Hearing Officer will prepare a preliminary report, which shall be advisory in nature and not binding, and send to the Protestor. Should the Protestor dispute the findings of the preliminary "*Hearing Officer Report*", it will be afforded an "*Exceptions Period*" equal to ten (10) business days from the Authority's issuance of the preliminary "*Hearing Officer Report*" to refute the findings of the Hearing Officer. At the expiration of the exceptions period, the Hearing Officer will review any "*Exceptions to the Hearing Officer's Report*" and finalize his or her report.

The Hearing Officer will make a recommendation in his or her final "*Hearing Officer Report*" which will be sent with any "*Exceptions to the Hearing Officer's Report*" to either the Authority's Board or the Authority's Chief Executive Officer, as determined by the dollar amount of the potential award as it relates to the Authority's internal Operating Authority Approval Levels, for a final decision to award the Contract. The Authority's Board of Directors or Chief Executive Officer will review the final "*Hearing Officer Report*" and the protestor's "*Exceptions to the Hearing Officer's Report*" and shall render a final decision regarding the appropriateness of the award. The action of the Authority's Board or Chief Executive Officer to make a final decision for the award of the Contract will be a final Authority action that is appealable to the Appellate Division of the Superior Court of New Jersey.

It is the Authority's intent to not establish a pool until it has completed all of the review procedures described above. If, however, in the Authority's sole discretion, it is determined that such an award is necessary to support the uninterrupted and efficient business operations of the Authority the Contract may be awarded.

EXHIBITS

Exhibit A – Professional Services Qualification Statement (PSQS)

Exhibit B1 – TOR Request

Exhibit B2 – TOR Conflict of Interest

Exhibit B3 – TOR Response

Exhibit C – Proposer’s Checklist

Exhibit D – Signatory Page

Exhibit E – Notice of Required State Compliance (Informational only)

Exhibit F – Insurance (Informational only)

Exhibit G – Contract for Services (Informational only)

Exhibit H – Rider for Purchases Funded by Federal Funds (Informational only)

Exhibit I - Notice of EO166 (Informational only)

Exhibit J – RFQ Firm Matrix