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

**AT-RISK CONSTRUCTION MANAGEMENT (CM) SERVICES PRECONSTRUCTION AND CONSTRUCTION**

**RERFQ-0000060**

**MATERNAL AND INFANT HEALTH INNOVATION CENTER (the “CENTER”)**

1. **PURPOSE OF THE REQUEST**

The New Jersey Economic Development Authority (NJEDA or the Authority) is planning to select an At-Risk Construction Manager (CM) to provide Construction Management Services (Preconstruction and Construction) for the construction of the Center. The NJEDA intends to design and construct the approximately 60,000 square foot health facility. Working with an Architectural/Engineering (A/E) firm, the selected CM will perform both Preconstruction Services and Construction Services to implement the proposed design.

**Preconstruction Services** will include scheduling, cost estimating, analyzing constructability, value engineering, sustainability engineering, developing subcontractor lists, identifying long-lead procurement items, and working with the project’s A/E firm. Work by the CM will also include developing a site logistics and mobilization plan, and maintaining the budget through completion of design. It is the intent of the NJEDA that the selected CM will provide Preconstruction Services on a lump sum basis.

**Construction Services** will include: the CM acting as the Constructor, bidding, and holding all subcontractor contracts for the construction of the Project improvements with compensation based on one of the two following options, which option shall be determined by NJEDA at its sole discretion

* Cost of the Work Plus a Fee with a Guaranteed Maximum Price (GMP); *or*
* Cost of the Work Plus a Fee without a Guaranteed Maximum Price (GMP).

If selected to receive a Request for Proposal (RFP), Respondents will be required to submit proposed fee schedules for both scenarios with their proposals.

The NJEDA is issuing this RFQ to develop a short list of at up to five (5) firms whose qualifications make them the best suited for the specific services required for the Center as outlined in this RFQ. The short-listed firms will receive a separate Request for Proposal (RFP) to provide the requested CM services. The goal of the two-step process is to select the highest ranked firm, pursuant to Section F, for the Center. NJEDA staff will recommend to the NJEDA Board that a contract be awarded to the highest ranked firm, based upon technical qualifications, fees, and other information submitted in the proposals received in response to the RFP.

In accordance with applicable law, prior to release of the RFP to provide the requested CM services, the NJEDA retains the right at its sole discretion to modify, expand, or delete any portion of the scope of services and/or other details which have been provided in this RFQ.

In addition, the NJEDA reserves the right to determine at its sole discretion, at any time, not to proceed with the Center, or any portion of the Center development, and, in such circumstances, to reassess the order of the Center development, if such action is in the NJEDA’s best interest based upon budgetary, policy, and fiscal considerations.

1. **CENTER DEVELOPMENT SUMMARY**

As part of New Jersey First Lady Tammy Murphy’s Nurture NJ initiative, which aims to make New Jersey the safest place to deliver a baby in America, the New Jersey Economic Development Authority (EDA) is proposing to develop a first-in-the-nation Maternal and Infant Health Innovation Center (Center) in Trenton. To advance this project, the EDA is coordinating closely with interagency partners including the Office of the First Lady, the Department of Health (DOH), the Department of Human Services (DHS), the Office of the Secretary of Higher Education (OSHE) as well as the City of Trenton and local community stakeholders. This will fulfill one of the recommendations of the Nurture NJ January 2021 strategic plan to “establish a Center in the state capital [Trenton] that focuses on innovation and research in maternal and infant health through partnerships with the state’s academic, funder, business, and faith communities. The Center should be a resource for equity, health care, and research, as well as an incubator of new enterprises driving better maternal and infant health outcomes and a central hub for New Jersey’s stakeholders dedicated to improving health for New Jersey’s mothers and babies.”

It is envisioned that the Center will serve as a hub for multiple types of services and programs, including but not limited to the core components below. The Center will both serve the Trenton community as well as advance health care, workforce development, policy, and research goals that will benefit the entire state and country.

The Center’s proposed core components will include, but not be limited to:

1. Comprehensive pre- and post-natal clinical services (though not a birthing center), family planning, and health services for infants and toddlers
2. An academic center focused on expanding the perinatal workforce in New Jersey and beyond, including Midwives and [Community] Doulas, as well as continuing education for the existing perinatal workforce.
3. Innovation and co-working space for researchers and entrepreneurs focused on developing technology, therapeutics and other solutions to address maternal and infant health challenges.
4. A data collaborative to collect and analyze maternal and infant health data across the state, with particular attention to racial disparities in outcomes. This data collaborative will amplify data trends and convene key stakeholders to discuss trends in maternal and infant health outcomes.
5. A policy and research non-profit or government organization focused on long-term stewardship of this vital policy arena and establishing New Jersey as the national leader in combating the scourge of maternal and infant health disparities.

At this time, it is estimated that the Center will be a newly constructed facility, requiring approximately 60,000 square feet.

1. **PRECONSTRUCTION**

The Preconstruction will be broken down into two components: Phase I and Phase II. It is anticipated that Phase I will generally occur simultaneously with Schematic Design (“SD”) by the selected A/E. The anticipated start date for Phase I is First Quarter 2024. Phase I should be completed within four (4) months from a Notice to Proceed. Following Phase I, the NJEDA will be presenting a comprehensive development budget for State approval and financing. It is anticipated that design will be on hold for two to three months during this approval and financing period. After the anticipated approval of the project, the NJEDA will issue a Notice to Proceed for Phase II which will include the remainder of the design including Design Development (“DD”) and Construction Documents (“CD”) by the A/E.

Upon receipt of NJEDA Board approval and financing, the NJEDA, at its sole discretion, may issue to the CM a Notice to Proceed for Preconstruction Services. NJEDA’s issuance of a Notice to Proceed for Preconstruction Services is subject to NJEDA’s determination, at its sole discretion, of the availability of financing. **NJEDA shall have no responsibility or liability to the CM for not issuing the Notice to Proceed.**

Preconstruction Services will require the CM to work with the A/E through the entire design process.

1. **CONSTRUCTION**

Upon receipt of financing, and once the design and construction documents are complete, the NJEDA, at its sole discretion, may issue to the CM multiple Notices to Proceed for Construction Services. NJEDA’s issuance of a Notice to Proceed for Construction Services is subject to NJEDA’s determination, at its sole discretion, of the availability of financing. **NJEDA shall have no responsibility or liability to the CM for not issuing any Notice to Proceed or for issuing some but not all the Notices to Proceed.**

Construction Services will include Bidding, Construction Administration, and Commissioning. The firm selected to provide these services will be required to bid the construction by establishing work packages, developing a list of potential bidders for each work package, sending a courtesy list of potential bidders to NJEDA, sending work package to potential bidders, receiving and reviewing bids, descoping with subcontractors to confirm their understanding of scope, negotiating price and delivering the bids to the NJEDA and the A/E with an indication as to which bids the CM proposes to accept. Subject to the CM Agreement, the NJEDA may review the CM's proposed subcontractors and may accept or object to a proposed subcontractor. All subcontractors will be subcontractors to the CM and not to the NJEDA.

Due to the required timetable, Preconstruction Services and Construction Services may overlap (i.e., certain critical path work packages will reach final design and progress to construction before other non-critical path work packages).

The CM will work with the A/E to deliver the full range of Preconstruction Services including Schematic Design, Design Development, and the development of Construction Documents in accordance with the NJEDA budget.

After a significant portion of the Preconstruction Services are completed, the NJEDA will work with the CM and A/E firm to develop appropriate work packages and a comprehensive development budget. Upon approval and confirmation of financing, NJEDA, at its sole discretion, may require the completion of the remaining Preconstruction Services and may issue to the CM multiple Notices to Proceed for early bid and regular construction packages. **NJEDA shall have no responsibility or liability to the CM for not issuing any Notice to Proceed or for issuing some but not all the Notices to Proceed.**

It is the intent of the NJEDA to incorporate Leadership in Energy and Environmental Design (“LEED”) standards into the proposed facilities and achieve a minimum of Silver certification (potentially Gold) from the US Green Building Council. The selected CM firm will work with the NJEDA and the selected A/E to achieve this goal.

1. **ELIGIBILITY REQUIREMENTS**

**Construction Managers as Agent or Owner’s Representative**

The NJEDA **DOES NOT** seek the services of an agent construction manager, owner’s representative, or a client advocate (CM Agent). To be considered eligible, the firm must demonstrate that its current and past experience has been on projects where it acted as the Constructor and held contracts with subcontractors directly. All submitted projects must be where the CM was at-risk. Do not show any projects where the CM acted as an Agent.

1. **RANKING CRITERIA**

In order to be considered to receive an RFP, a Respondent must demonstrate in its submitted Qualification Statement that it has:

1. An understanding of the Center’s project scope; as further defined in Section B above.
2. Experience as a CM performing construction services on similar projects (including projects of similar size, scope and complexity as the Center, if any, and other NJEDA projects, if any), where the CM was the Constructor (not a CM agent) and held the contracts with subcontractors.
3. Experience as a CM performing preconstruction services (scheduling, cost estimating, value engineering, etc.) on projects of similar size, scope and complexity (including projects of similar size, scope and complexity as the Center); and
4. Experience engaging with local, state, and federal agencies for plan review, permitting and construction inspections on projects of similar size, scope, and complexity (including projects of similar size, scope and complexity as the Center). (Specific experience with the NJ Department of Community Affairs (NJDCA), and NJ Department of Environmental Protection (NJDEP) which are relevant to this project, will be valued more highly than experience with other agencies).
5. Experience of Respondent in structuring efforts to meet Small Business Enterprise (SBE), Disadvantaged Business Enterprise (DBE) and similar goals on similar projects (including projects of similar size, scope and complexity as the Center) and in following its efforts and plans around increasing diversity and inclusion in its own workforce.
6. LEED project experience
7. **SUBMITTAL REQUIREMENTS**

The following are the required components of a firm’s Qualification Submittal.

When preparing your firm’s Qualification Submittal in response to this RFQ, keep in mind that, in this 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.

1. *Contractor’s Qualification Statement*. Respondents **must** submit a completed copy of the Contractor’s Qualification Statement - AIA Document A305 and its Exhibits, attached as **Exhibit A-1** for this RFQ and a narrative describing the specific experience of the firm related to this type of project. (Please see Item #1 on Exhibit C – Submittal Checklist).

The RFQ, Contractor’s Qualification Statement - AIA Document A305, and the RCM-1 (see below) will be available commencing on September 7, 2023on the NJEDA website at [https://www.njeda.gov/bidding/#REOPP](https://www.njeda.com/bidding/#REOPP) Real Estate Procurement Opportunities), **RERFQ-0000060.**

**Important:** The Contractor’s Qualification Statement - AIA Document A305 is specific to this RFQ. It is not to be mistaken with Contractor Classification Forms issued by other State entities. These forms are separate and distinct.

1. *List of Similar Projects - RCM-1 (****Exhibit A-2****).* Firms **must** follow the organization of the Exhibit A-2 and include a list of no more than ten (10) similar completed projects that best demonstrate the firm’s capabilities, qualifications and relevant experience as a Constructor (not as a CM agent) in construction of similar facilities, including projects of similar size, scope and complexity as the Center. (Please see Item #2 on Exhibit C- Submittal Checklist).

The NJEDA will consider projects actually performed by office specifically identified by the Respondent to perform the scope of services described in this RFQ. For the RFQ, we are only interested in work completed by the Firm submitting; we are not looking at specific staff yet. Please do not submit projects by other regional offices; only those projects submitted by the office location proposed for the Center should be submitted.

**3***. Relevant Experience*. The Respondent **must** list and identify relevant experience of all anticipated key project subconsultants (only firms, not staff) that will be assembled to complete the scope of services described in this RFQ. When identifying relevant experience, Respondents shall provide a description of relevant experience for any subconsultant (not subcontractors) intended to be utilized for this project. (Please see Item #3 on Exhibit C- Submittal Checklist). For example, a subconsultant might be a LEED consultant, a diversity firm, or an independent Commissioning firm.

**4***. Statement of Bonding Capacity*. The Respondent **must** include a statement and/or certificate of the firm’s current bonding capacity issued by a surety company licensed to do business in the State of New Jersey. (Please see Item #4 on Exhibit C- Submittal Checklist).

*5. Narrative Understanding of the Center.* Respondents **must** include a narrative describing the firm’s understanding of the Center development scope and the Respondent’s approach to successfully delivering the Center. (Please see Item #5 on Exhibit C-Submittal Checklist).

*6. Diversity and Inclusion Narrative.* Respondents must provide details on its experience structuring efforts to meet SBE, DBE and similar goals on similar projects (including projects of similar size, scope and complexity as the Center). The Respondents should provide a narrative description of past efforts and plans to increase diversity and inclusion in terms of its own workforce. (Please see Item #6 on Exhibit C-Submittal Checklist).

*7. Acknowledgment of Receipt of Addenda/Q&A Form*. Respondents must submit the attached Acknowledgement of Receipt of Addenda / Q&A form as part of their submission, refer to **Exhibit B**. (Please see Item #7 on Exhibit C-Qualification Checklist).

In accordance with applicable law, the NJEDA expressly reserves the right to:

* Reject any submission which is not in compliance with the terms of the RFQ or any part thereof;
* Request clarifications of a document or the contents thereof submitted in response to this RFQ; or
* Terminate the selection process at any time.

The NJEDA reserves the right to waive minor immaterial elements of non-compliance of a firm’s submission with regard to the requirements outlined in this RFQ, in accordance with applicable law.

**IMPORTANT:** Qualifications that do not include all mandatory items, shall not be considered, regardless of method of submission.

1. **DIVERSITY AND INCLUSION**

The NJEDA currently has SBE goals. This Project includes an expanded goal of awarding fifteen percent (15%) of the total contract value to subcontractors, equipment lessors and/or material suppliers that qualify as minority, women, and veteran owned firms (“MWVBE”). Failure to meet the goal placed on this project, or to provide a “good faith effort” to meet the goal, may constitute a breach of contract and will result in the assessment of liquidated damages as set forth in the Contract ”Terms and Conditions Relating to Contracting With Minority, Women and Veteran Owned Businesses” (Exhibit **H**), until Construction Manager meets goals or demonstrates “good faith efforts” were used to attempt to meet goals, or such other remedy as is available at law, in equity or by law.

1. **PROJECT LABOR AGREEMENT**

As authorized by N.J.S.A. 52:38-1 et seq., the CM will be required to negotiate, develop and enter into a project labor agreement(s).

1. **PREVAILING WAGE AND CONTRACTOR REGISTRATION**

Section J is included in this RFQ **FOR INFORMATIONAL PURPOSES ONLY**.

* The payment of prevailing wages, and the registration of contractors, will be required for all applicable work pursuant to all appropriate prevailing wage and contractor registration laws, which may include, but are not limited to, N.J.S.A. 34:1B-5.1, N.J.S.A. 34:11-56.25 et seq., and N.J.S.A. 34:11-56.48 et seq. This project shall conform to all State laws including N.J.S.A. 34:11-56.48 et seq., requiring apprenticeship programs for public works.

1. **BUY AMERICAN REQUIREMENTS**

Section K is included in this RFQ **FOR INFORMATIONAL PURPOSES ONLY**.

Subject to N.J.S.A. 52:32-1 et seq. and NJSA 52:33-1 et seq., and to the exceptions contained in those statutes, only manufactured and farm products of the United States and only domestic materials shall be acquired or used to complete the Center and all subcontractor services performed in connection with or as part of the Center shall be performed within the United States.

1. **COMPLIANCE AND INSURANCE REQUIREMENTS**

Section J is included in this RFQ **FOR INFORMATIONAL PURPOSES ONLY**.

State of New Jersey Compliance Requirements (**Exhibits D, E and I)** and Federal Compliance Requirements (**Exhibit F**)are attached to this RFQ FOR INFORMATIONAL PURPOSES ONLY.

Insurance Requirements as outlined in **Exhibit G** are attached to this RFQ FOR INFORMATIONAL PURPOSES ONLY.

Only those firms who receive and choose to respond to the subsequent RFP will be required to complete and return the required compliance forms with the proposal submission.

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.

If awarded, the successful entity agrees that it shall comply with all requirements of the insurance provisions as set forth in **Exhibit G**. If the successful entity fails to comply with the requirements of these provisions, the NJEDA may declare any contract for these services void.

1. **SUBSEQUENT ISSUANCE OF RFP**

The “short-listed” firms which are selected to receive the RFP package as a result of this RFQ will have their proposals evaluated based on evaluation criteria which will likely include the following; however, EDA may, at its sole discretion, modify the RFP evaluation criteria at any time prior to issuance of the RFP. Final RFP evaluation criteria will be listed in the RFP.

1. **Ability to execute the project scope** as described, as demonstrated by:
   * Understanding of the Center development scope;
   * Project and management approach to delivering on the scope of services requested;
2. **Experience of key project staff** relative to projects of similar size, scope, and complexity.
3. **Firm-level experience** relative to projects of similar size, scope, and complexity, as demonstrated by:
   * Specialized firm-level experience in construction of projects where budget and schedules are primary considerations;
   * Experience as a CM offering Construction Services on similar projects (including marine facility development projects of similar size, scope and complexity as the Center, if any, and other NJEDA projects, if any), where the CM was the Constructor (not as a CM agent) and held the contracts with subcontractors;
   * Experience as a CM offering Preconstruction Services (scheduling, cost estimating, value engineering, etc.) on projects of similar size, scope and complexity (including projects of similar size, scope and complexity as the Center);
   * Experience engaging with local, state, and federal agencies for plan review, permitting, and construction inspections on projects of similar size, scope, and complexity (including projects of similar size, scope and complexity). (Specific experience with the NJ Department of Community Affairs (NJDCA), and NJ Department of Environmental Protection (NJDEP), which are relevant to this project, will be valued more highly than experience with other agencies).

* Experience in structuring efforts to meet SBE, DBE and similar  goals on similar projects (including projects of similar size, scope and complexity as the Center) and in following its firm-level efforts and plans around increasing diversity and inclusion in terms of subcontractors and its own employees.

1. Price

* Preconstruction Services (Lump Sum)
* Construction Management Fee
* Insurance costs
* Multipliers

1. **QUESTIONS AND/OR CLARIFICATIONS OF THE RFQ**

**IMPORTANT:** The NJEDA will not accept any telephone calls regarding the RFQ and RFP process.

**IMPORTANT:** Any firm attempting to contact government officials (elected or appointed), NJEDA Board members, and/or NJEDA staff in an effort to influence the selection process shall be immediately disqualified.

Any questions and/or request for clarifications regarding the RFQ must be **IN WRITING** and sent to the following e-mail address: [**QARED@njeda.gov**](mailto:QARED@njeda.com)[.](mailto:QARed@njeda.com) The deadline for questions is **1:00 p.m. on September 26, 2023.**  All Addenda, 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 submission due 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 **RERFQ-0000060** is available at [https://www.njeda.gov/bidding/#REOPP](https://www.njeda.com/bidding/#REOPP) - *Bidding Opportunities – Real Estate Procurement Opportunities* which will include any updates, additional information and/or addenda pertaining to this RFQ, as well as, for posted questions and answers.

All addenda to this 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). Respondents will be required to be knowledgeable of and acknowledge receipt of all addenda and posted Questions and Answers as part of its Qualifications Submittal on the attached Acknowledgement of Receipt of Addenda / Q&A form, refer to **Exhibit B**. (Mandatory submittal).

1. **SUBMISSION OF QUALIFICATIONS**
2. **DEADLINE**

**IMPORTANT:** To be considered, Qualifications must be received by the Authority by the **1:00 p.m. on October 10, 2023** indicated in this Section O.1 of the RFQ. Qualifications received after the specified due date and time shall not be considered.

Completed Qualification Submittals must be received by date and time indicated above. **This deadline applies to all submissions regardless of method of submission.**

1. **SUBMISSIONS**

All qualifications, once opened, become property of the Authority and cannot be returned to the Respondent. All qualifications must be submitted as described below.

* 1. **Facsimile Submission of Qualifications**

**IMPORTANT:** Qualifications submitted by facsimile will not be considered.

* 1. **Electronic Submission of Qualifications**

**STRONGLY PREFERRED:** Respondents should submit a complete, signed electronic proposal in Adobe Acrobat Reader .pdf read-only format. The submission must be accessible for viewing by Authority evaluators. Submissions that cannot be accessed by Authority evaluators, including those that are password protected, locked or in a format other than viewable .pdf will not be considered. The subject line of the proposal and all associated documents submitted must be clearly labeled.

**IMPORTANT:** Each file/document uploaded (proposal, attachments, submittals, etc.) should be named using the following format:

*“Respondent’s Company Name – CM Qualification Submission RERFP-0000060 – Submission document title.*

Respondents submitting Qualifications electronically may sign the forms of this RFQ electronically. The Authority will accept the following types of electronic signatures:

* Within Microsoft Word an individual can go to the “Insert” menu then, in the “Text” section select “Add a Signature Line” and enter the signer information.
* Within Adobe Acrobat DC, go to the “Tools” ribbon and select “Fill & Sign”, click “Sign yourself”, then “Add Signature” and enter the signer information

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

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

Electronic qualifications submissions must be uploaded to the Authority’s ShareFile application using the following link

<https://njeda.sharefile.com/r-rb26720f038ce49d1a934862c604e0fb0>

**Note:** Copy and paste the ShareFile link above into your web browser, press enter and provide information as prompted.

**Note:** It is highly recommended that you initiate upload of your Qualification a minimum of four (4) hours prior to the due date and time. This will allow time to identify and troubleshoot any issues that may arise when using the ShareFile application. The Authority shall not be responsible for data transfer delays.

**NOTE:** If multiple duplicate documents are uploaded, EDA will only consider the last version of the document uploaded, provided it is uploaded by the stated deadline.

Questions regarding the electronic submission of qualifications (upload of documents) may be directed to **[QARED@njeda.gov](mailto:QARED@njeda.com)**.

* 1. **Hard Copy Submission of Qualifications**

If submitting a hard copy qualification, it must be delivered in a securely SEALED envelope/package, clearly labeled with the RFQ Number, Title, proposal due date and Respondent name and address, as indicated below:

**RERFQ-0000060 - AT-RISK CONSTRUCTION MANAGEMENT (CM) SERVICES PRECONSTRUCTION AND CONSTRUCTION - MIHI**

***Qualifications - October 10, 2023***

***Respondent’s Name and Address***

In addition to submitting one (1) original qualifications submittal with all required signatures in ink, Respondents must include three (3) duplicate copies of the qualifications for evaluation purposes.

Hard copy qualifications must be delivered to the following address:

Overnight and/or hand delivery service at:

Procurement Department-Attn: Julie McGowan, Sr. Procurement Officer

New Jersey Economic Development Authority

36 West State Street

Trenton, NJ 08625-0990

REF: RERFQ-0000060 -CM MIHI

Due Date/Time: 1:00 p.m. on October 10, 2023

Regular Mail services at:

Procurement Department-Attn: Julie McGowan, Sr. Procurement Officer

New Jersey Economic Development Authority

P.O. Box 990

Trenton, NJ 08625-0990

REF: RERFQ-0000060 – CM MIHI

Due Date/Time: 1:00 p.m. on October 10, 2023

Directions to this location can be found at [https://www.njeda.gov/contact](https://www.njeda.com/contact).

* 1. **Delivery Delays**

**IMPORTANT:** The Authority shall not be responsible for delivery/postal service delays. Postmark dates will not be considered in honoring date and time of receipt. Respondents using the United States Postal Service for delivery should allow additional time to ensure the proposal is received on time, since postal deliveries are not routed directly to the Authority.

1. **PUBLIC OPENING:**

Qualifications will be publicly opened on 1:00 p.m. on October 10, 2023 at which time the name and office location of the Respondent firm will be read aloud.

NJEDA may reduce the number of persons permitted to attend the in person opening in the event subsequent Executive Orders further restricting attendance at gatherings are issued. Respondents are encouraged to frequently check the Bidding Opportunities section of NJEDA’s website for information on attendance restrictions pertaining to RERFQ-0000060 at [https://www.njeda.gov/bidding/#REOPP](https://www.njeda.com/bidding/#REOPP) .

**IMPORTANT:** The Authority will not be held responsible for any health issues that may arise as a result of attendance at the opening.

1. **INSPECTION OF RFQ RESPONSES**

Responses to this RFQ can be released to the public pursuant to the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., or the common law right to know. After the opening of responses, all information submitted by a firm in response to this RFQ is considered public information subject to OPRA notwithstanding any disclaimers to the contrary submitted by a Respondent. Proprietary and confidential information may be exempt from public disclosure by OPRA and/or the common law in accordance with applicable law.

As part of its response to this RFQ, a Respondent 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 Respondent must provide a detailed statement clearly identifying those sections of the response that it claims are exempt from production, and the legal and factual basis that supports said exemption(s) as a matter of law. The Respondent must also provide a redacted copy of the response indicating the sections identified as confidential. The Respondent shall not designate any price proposals submitted as exempt from public disclosure. The NJEDA will not honor any attempts by a Respondent to designate its entire response as proprietary or confidential and/or to claim copyright protection for its entire response. If no redacted copy is received, NJEDA shall have the right to release a copy of the response.

The NJEDA reserves the right to make the determination as to what is proprietary or confidential and will advise the Respondent accordingly. Any proprietary and/or confidential information, as determined by the NJEDA, in a response will be redacted by the NJEDA. Copyright law does not prohibit access to a record which is otherwise available under OPRA.

In the event of any challenge to the Respondent’s assertion of confidentiality with which the NJEDA does not concur, the Respondent shall be solely responsible for defending its designation, but in doing so, all costs and expenses associated therewith, including, but not limited to, any costs incurred by NJEDA, shall be the responsibility of the Respondent. The NJEDA assumes no such responsibility or liability.

The obligations of the NJEDA to maintain confidential any information or record identified as such is also subject to any other lawful document request or subpoena.

# EXHIBITS

Exhibit A-1 Contractor’s Qualification Statement - AIA Document A305

Exhibit A-2 RCM 1

Exhibit B Acknowledgement of Receipt of Addenda / Q&A form

Exhibit C Submittal Checklist

Exhibit D Notice of Executive Order 166 Requirement for Posting Winning Proposal and Contract Documents

Exhibit E Notice of Required State of New Jersey Compliance

(Informational Purposes)

Exhibit F Notice of Required Terms Relating To All Contracts Funded, In Whole or In Part, By Federal Funds (Informational Purposes)

Exhibit G Insurance Requirements (Informational Purposes)

Exhibit H Terms and Conditions Relating to Contracting With Minority, Women and Veteran Owned Businesses