



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

**AT-RISK CONSTRUCTION MANAGEMENT (CM) SERVICES
PRECONSTRUCTION AND CONSTRUCTION
at the
BIOSCIENCE CENTER (the "CENTER")
NORTH BRUNSWICK, MIDDLESEX COUNTY**

2024-RERFQ-176

Event	Date	Time
Electronic Question Due Date	December 9, 2024	1:00 PM ET
Qualification Submission Due Date	December 26, 2024	1:00 PM ET

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

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1.0 INFORMATION FOR PROPOSERS

This Request for Qualifications (RFQ) is issued by the New Jersey Economic Development Authority (“Authority”, “NJEDA”) to solicit Qualifications for an At-Risk Construction Manager (CM) to provide Construction Management Services (Preconstruction and Construction) for the current and future construction at the Bioscience Center (the Center) in North Brunswick, New Jersey.

1.1 PURPOSE AND INTENT

The NJEDA is planning to select an CM to provide Construction Management Services (Preconstruction and Construction) for current and future construction at the Center in North Brunswick, New Jersey. These services will be awarded to one CM firm for a duration of five (5) years, with two (2) one (1) year extension options. The NJEDA intends with this procurement, to design and construct the initial project which is the fit-out of Building 5. All other projects will be designated on a Task Order basis. The short-listed firms will receive a separate Request for Proposal (RFP) to provide the requested CM services. The intent is to secure a CM firm to work with the NJEDA and the selected Architectural/Engineering (A/E) firm in the construction of project(s) at the site. We are not seeking the services of a CM Agent or project management consulting 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. The CM will also be responsible for developing 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, the option selected 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 an RFP, Respondents will be required to submit proposed fee schedules for both scenarios with their proposals.

Please see **Exhibit D** for the anticipated site location for the current project.

The purpose of this RFQ is for the NJEDA to develop a short list of up to five (5) firms whose qualifications meet the specific criteria required for the Center as outlined in this RFQ. The short-listed firms will receive a separate RFP for the requested CM services. The goal of this two-phase process is to select the most technically qualified firm for this project.

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 any portion of the Center development, and, in such circumstances, to reassess the

order of work, if such action is in the NJEDA's best interest based upon budgetary, policy, and fiscal considerations.

1.2 QUESTIONS AND CLARIFICATIONS

Any questions regarding the RFQ should be directed **in writing** to QARED@njeda.gov. **(NJEDA will not accept any telephone calls regarding this RFQ/RFP process – all questions and/or requests for clarification should be submitted in writing)**. The deadline for questions is **1:00 p.m. on 12/09/2024**. The subject line of the e-mail should state: **QUESTIONS-RERFQ-176–At Risk Construction Management Services at the Bioscience Center**. 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 the final Addenda and Questions and Answers. Information pertaining to **RERFQ-176–At Risk Construction Management Services at the Bioscience Center** is available at <https://www.njeda.gov/bidding/#REOPP> - *Bidding Opportunities – Real Estate Procurement Opportunities*. 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. Respondents will be required to be knowledgeable of and **must** 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**.

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

1.2.1 PROJECTED MILESTONE DATES

The following dates are provided to Interested Respondents 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:	Monday, December 9, 2024 @ 1:00 p.m. ET
If required, Addendum:	Monday, December 16, 2024 @ 1:00 p.m. ET
Qualification Submittals Due:	Thursday, December 26, 2024 @ 1:00 p.m. ET

1.3 QUALIFICATION SUBMITTAL – ELECTRONIC OR HARD COPY

In order to be evaluated and considered for award, the Qualification Submittal must be received by the Authority by **1:00 p.m.** on 12/26/2024. Responses to the RFQ will be received until the above-mentioned time and date for receipt and then at said office publicly opened. Please refrain from calling during the review process to ask for a status update.

The RFQ will be available commencing on 12/02/2024, on the NJEDA website at <https://www.njeda.gov/bidding/#REOPP> - *Bidding Opportunities – Real Estate Procurement Opportunities* REF: **RERFQ-176–At Risk Construction Management Services at the Bioscience Center**

Firms responding to this RFQ before the closing date may be selected for the “short-list” of firms that receive an RFP package.

1.3.1 ELECTRONIC QUALIFICATION SUBMISSION (STRONGLY PREFERRED)

Proposers should submit a complete, ELECTRONIC Qualification Submittal, in “read only” PDF file format using Adobe Acrobat Reader software that must be 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:

“(Proposer’s Company Name) – Qualification Submittal - **RERFQ-176–At Risk Construction Management Services at the Bioscience Center**)”

All RFQ electronic Qualification Submittal documents must be uploaded to the Authority’s ShareFile system via: <https://njeda.sharefile.com/r-re848416bcec647a1922c11d475027cc8>

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 QARED@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 Proposer.

NOTE: If a Proposer uploads multiple duplicate documents, NJEDA will only consider the last version of the document uploaded, provided it is uploaded by the stated deadline.

1.3.2 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 Proposals electronically, as signatory to the documents, may sign the forms listed in Section 4.2.3 (Required Compliance Documentation) of this solicitation, 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 Proposer 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 Proposals 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.

1.3.3 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:

SABRINA ANDREANIDIS
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 Firm's Name and Address:

RERFQ-176–At Risk Construction Management Services at the Bioscience Center 1:00 p.m. on 12/26/2024

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 firm using U.S. Postal Service regular or express mail services should allow additional time to ensure timely receipt of Proposals since the U.S. Postal Service does not deliver directly to the Authority.

Directions to the Authority's Trenton location 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.

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 proposers are cautioned that NJEDA is subject to the provisions of the New Jersey Open Public Meetings Act (OPMA), the New Jersey Open Public Records Act, New Jersey Right-to-Know statutory law and relevant case law.

1.3.4 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.) (OPRA), 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 et. seq., 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.

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.

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.

Director – The 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

Proposer – An individual or business entity submitting a Submittal in response to this RFQ.

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.

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.

Respondent – An individual or business entity submitting a Qualification in response to this RFQ.

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.

Vendor - An individual or business entity submitting a Proposal in response to this RFQ.

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

2.1.1 CONTRACT-SPECIFIC DEFINITIONS

Construction Documents (CD) – Construction Documents means those deliverables to be provided by the Trade Contractor, which are necessary to complete the Trade Contractor's Work, including, but not limited to, the Drawings and Specifications.

Design Development (DD) – Design development is a phase that occurs after the client or owner has approved the schematic design. It's a step between the schematic design and construction documentation phases

Gold certification – A level of LEED certification.

HVAC – Heating, Ventilation, and Air Conditioning

Leadership in Energy and Environmental Design (LEED) – is the world's most widely used green building rating system. LEED certification provides a framework for healthy, highly efficient, and cost-saving green buildings, which offer environmental, social and governance benefits

Notice to Proceed – A notice to proceed is a letter from the owner or director of a company or business to a contractor. This notice will inform the contractor of the date that he can start work, as outlined in a previous contract.

R&D – Research and Development

Schematic Design (SD) - Schematic design is the first phase of the architectural design process. It is a rough construction drawing that provides a general overview of a project's basic features and construction cost estimate

Silver certification – A level of LEED certification.

US Green Building Council – Organization administering the LEED rating system.

3.0 PROJECT SCOPE

The NJEDA has been developing this site since 1995 to advance the life science community. This 50-acre site has six buildings and over 300,000 SF of space including, incubator, step-out labs, independent Research & Development and build to suit space. There are several pad sites available for development along with potential tenant fit-outs that may occur.

The first project is the fit-out of Building 5 (BC5) at the Bioscience Center. This is a building of approximately 25,000 square feet, including a partial basement. The NJEDA has recently completed a shell restoration of this building which includes a new roof, windows, entry and front façade. The NJEDA will be working with HDR architects on the final design of the fit-out, including but not limited to complete new electrical, HVAC, and other building systems. The fit-out concept is for speculative step-out labs consistent with other spaces currently at the site. The selected CM will be working with NJEDA and HDR to execute this tenant fit-out, and potentially other projects at the site.

3.1 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 A/E. Phase I is anticipated to start shortly after contract award and should be completed within four (4) months. Following Phase I, the NJEDA will be presenting a comprehensive development budget for approval and financing. It is anticipated that design may 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 Phase II 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. Preconstruction Services for each Phase will consist of scheduling, cost estimating, constructability analysis, value engineering, LEED analysis, identifying long lead procurement/fabrication items, developing a site logistics and mobilization plan, development of subcontractor lists and working with the selected A/E firm to maintain the budget from Schematic Design through completion of design.

3.2 CONSTRUCTION

Once design and CD are complete, and financing is secured the NJEDA, at its sole discretion, may issue to the CM multiple Notices to Proceed for Construction Services. At the sole discretion of the NJEDA, and subject to the availability of financing, a Notice to Proceed for Construction Services will be issued. **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.**

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 concurrently with SD, DD, and the development of CD in accordance with the NJEDA budget.

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 (and 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.

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.

4.0 ELIGIBILITY REQUIREMENTS:

The NJEDA **DOES NOT** seek the services of an agent construction manager, owner's representative, or a client advocate 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.

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:

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 on the NJEDA website at [Bidding Opportunities - NJEDA Business Support Administrative Goods and Services Bidding Opportunities](#), 2023-RERFQ-176.

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.

2. *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 shall 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- Submittal Checklist).

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

1. Reject any submission which is not in compliance with the terms of the RFQ or any part thereof.
2. Request clarifications of a document or the contents thereof submitted in response to this RFQ; or
3. 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.

4.2 RANKING CRITERIA:

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

1. The Ability to execute the project scope as described, as demonstrated by: Understanding of the Center's development scope.
2. Firm-level experience relative to projects of similar size, scope and complexity of this project.
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. Firm-level 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 (NJCA), 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.

In accordance with applicable law, NJEDA expressly reserves the right, (1) to reject any submission which is not in compliance with the terms of the RFQ or any part thereof, (2) to request clarifications of a document or the contents thereof submitted in response to this RFQ, or (3) terminate the selection process at any time.

NJEDA reserves the right to waive minor elements of non-compliance of any C/M firm's submission with regard to the requirements outlined in this RFQ.

NJEDA reserves the right to solely determine, at any time, not to proceed with the Project, or any portion of the Project, and, in such circumstances, to reassess the order of the project, if such action is in NJEDA's best interest based upon budgetary and fiscal considerations.

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

5.0 COMPLIANCE

Section 5.0 is included in this RFQ **FOR INFORMATIONAL PURPOSES ONLY**.

State of New Jersey Compliance Requirements (**Exhibit E**) and general Compliance Requirements (**Exhibit E**) are attached to this RFQ FOR INFORMATIONAL PURPOSES ONLY.

Insurance Requirements as outlined in **Exhibit F** 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 go to the next highest ranked respondent.

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

Exhibit E "Notice of Required Compliance" is 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 with the proposal submission.

Exhibit H "Terms Relating To All Contracts Funded, In Whole Or In Part, By Federal Funds 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 go to the next highest ranked respondent.

5.1 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 G**), 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.

5.2 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).

5.3 PREVAILING WAGE AND CONTRACTOR REGISTRATION

Section 5.3 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.

5.4 BUY AMERICAN REQUIREMENTS

Section 5.4 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.

5.5 INSURANCE

The Insurance Section is included in this RFQ **FOR INFORMATIONAL PURPOSES ONLY**. Only those firms who receive and choose to respond to subsequent RFP(s) will be required to complete and return a Certificate of Insurance with the proposal submission indicating coverage.

5.6 JOINT VENTURE

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

6.0 PROTEST OF RECOMMENDED AWARD

Any Proposer may protest a vendor selection (an award) by the New Jersey Economic Development Authority. In order for a protest to be timely, it must be submitted to the Senior Vice President – Business Support within ten (10) business days of receipt of the notification that the Proposer was not selected. In order to be considered complete, a protest must: (i) identify the Proposer 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 not to award the Contract 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.