

**NOTICE OF ADDITIONAL REQUIRED COMPLIANCE**  
**Prevailing Wage for Contracts for Professional Services**

**COMPLIANCE:**

In some instances, work performed under Contracts for Professional Services are subject to prevailing wage. Prevailing wage is applicable when field activity meets the definition of "construction work" as defined in N.J.A.C. 19:30-4.1. This Attachment describes the compliance requirements and includes exhibits containing several forms, instructions, and samples. This documentation is supplemental to the documentation submitted at the time of the contract award.

**AFFIRMATIVE ACTION EMPLOYEE INFORMATION REPORT**

The intended awardee must submit a copy of a New Jersey Certificate of Employee Information Report, or a copy of Federal Letter of Approval verifying it is operating under a federally approved or sanctioned Affirmative Action program. Intended awardee(s) not in possession of either a New Jersey Certificate of Employee Information Report or a Federal Letter of Approval must complete the Affirmative Action Employee Information Report (AA-302), by following its corresponding instructions for submission and payment by check, which are located at the Public Contracts website for Equal Employment Opportunity (EEO)/Affirmative Action (AA): [https://www.state.nj.us/treasury/contract\\_compliance/](https://www.state.nj.us/treasury/contract_compliance/) or alternatively, Vendors have an option for online submission and payment, following the electronic filing instructions at: [https://www.state.nj.us/treasury/contract\\_compliance/](https://www.state.nj.us/treasury/contract_compliance/)

**ADDITIONAL COMPLIANCE REQUIREMENTS FOR  
CONTRACTS FOR PROFESSIONAL SERVICES  
COMPLIANCE – CONSTRUCTION RELATED SERVICES**

## **ADDITIONAL COMPLIANCE REQUIREMENTS FOR CONSTRUCTION RELATED SOLICITATIONS:**

### **COMPLIANCE – CONSTRUCTION SERVICES:**

This Attachment describes the compliance requirements and includes links to forms, instructions and samples.

When preparing your firm's proposal in response to this solicitation, keep in mind that, in the RFQ/P – RFP, the word "shall" or "must" denotes proposal items which are mandatory for a proposal to be complete; the word "should" denotes proposal items which are recommended, but not mandatory; and the word "may" denotes proposal items which are permissible, but not mandatory.

### **AFFIRMATIVE ACTION**

#### **A. EQUAL EMPLOYMENT OPPORTUNITY – GOODS AND PROFESSIONAL SERVICES**

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq., which are expressly included within the terms of this RFQ/P.

#### **B. EQUAL EMPLOYMENT OPPORTUNITY – CONSTRUCTION CONTRACTS**

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq., which are expressly included within the terms of this RFQ/P, as it pertains to Construction Contracts.

#### **C. NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AFFIRMATIVE ACTION ADDENDUM TO CONSTRUCTION CONTRACT - N.J.A.C. 19:30-3.5 CONSTRUCTION CONTRACTS**

All NJEDA Labor and Compliance Standards forms can be accessed via this link:

<https://www.njeda.gov/affirmativeaction/>

### **PREVAILING WAGE**

This Procurement is subject to the New Jersey State Prevailing Wage Act and a Prevailing Wage Determination.

To view the New Jersey State Prevailing Wage Act and Regulations go to:

<https://www.nj.gov/labor/wageandhour/tools-resources/laws/prevailingwageact.shtml>

To view the New Jersey Dept. of Labor & Workforce Development's prevailing wage rates by county, go to:

<https://www.nj.gov/labor/wageandhour/prevailing-rates/public-works/currentprevailingwage.shtml>

To view the New Jersey Department of Labor & Workforce Development's "Prevailing Wage Debarment List" goto:

<https://www.nj.gov/labor/wageandhour/registration-permits/register/debarmentlist.shtml>

To view the New Jersey Department of Labor & Workforce Development's "Wage Hub" go to: <https://www.nj.gov/labor/wageandhour/prevailing-rates/njwagehub.shtml>

### **PUBLIC WORKS CONTRACTOR REGISTRATION ACT**

The Public Works Contractor Registration Act (N.J.S.A. 34:11-56.48, et seq.) requires all contractors, subcontractors, or lower tier subcontractors (including subcontractors listed in bid proposals) who bid on or engage in the performance of any public work to register with the Department of Labor and Workforce Development. The Act and Regulations can be found at:

<https://www.nj.gov/labor/wageandhour/tools-resources/laws/prevailingwageact.shtml#11-56.48>

Instructions for completing the Application for Public Works Contractor Registration can be found at:

<https://www.nj.gov/labor/wageandhour/registration-permits/register/publicworksregistration.shtml>

Information on Apprenticeship Program is on DOL's website at:

<https://www.nj.gov/labor/career-services/apprenticeship/index.shtml>

## **EXECUTIVE ORDER 151 - NOTICE OF ADDITIONAL MANDATORY CONSTRUCTION CONTRACT LANGUAGE**

### **EXECUTIVE ORDER 11**

#### **SUMMARY OF THE CERTIFICATION REQUIREMENTS UNDER N.J.S.A. 52:32-44.1**

Pursuant to state law any natural person, company, firm, association, corporation, or other entity prohibited, or "debarred," from contracting with the federal government agencies, shall also be prohibited from contracting for public work in the state of New Jersey. This prohibition also extends to any affiliate organization(s) held by or subject to the control of an entity of that prohibited person or entity.

Prior to awarding a contract for public work NJEDA must obtain written certification from the contracting person or entity through the form below, attesting to their non-debarment from contracting with federal government agencies.

#### **§ 10:2-1. ANTIDISCRIMINATION PROVISIONS**

Antidiscrimination provisions. Every contract for or on behalf of the State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees that:

- a.** In the hiring of persons for the performance of work under this contract or any subcontract hereunder, or for the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under this contract, no contractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex, discriminate against any person who is qualified and available to perform the work to which the employment relates;
- b.** No contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee engaged in the performance of work under this contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under such contract, on account of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex;
- c.** There may be deducted from the amount payable to the contractor by the contracting public agency, under this contract, a penalty of \$50.00 for each person for each calendar day during which such person is discriminated against or intimidated in violation of the provisions of the contract; and
- d.** This contract may be canceled or terminated by the contracting public agency, and all money due or to become due hereunder may be forfeited, for any violation of this section of the contract occurring after notice to the contractor from the contracting public agency of any prior violation of this section of the contract.

## **EQUAL EMPLOYMENT OPPORTUNITY – GOODS AND PROFESSIONAL SERVICES**

**Bidders are required to comply with the requirements of  
N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27**

**(REVISED 4/10)**

## **EXHIBIT A**

### **MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**

**N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127)**

**N.J.A.C. 17:27 et seq.**

### **GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES CONTRACTS**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

## **EXHIBIT A (Cont)**

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval;

Certificate of Employee Information Report; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at: [http://www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance)).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

## **EQUAL EMPLOYMENT OPPORTUNITY – CONSTRUCTION CONTRACTS**

**Bidders are required to comply with the requirements of  
N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27**



(REVISED 4/10)

## **EXHIBIT B**

### **MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**

**N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127)**

**N.J.A.C. 17:27-1.1 et seq.**

### **CONSTRUCTION CONTRACTS**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer, pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

When hiring or scheduling workers in each construction trade, the contractor or subcontractor agrees to make good faith efforts to employ minority and women workers in each construction trade consistent with the targeted employment goal prescribed by N.J.A.C. 17:27-7.2; provided, however, that the Dept. of LWD, Construction EEO Monitoring Program, may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by the following provisions, A, B, and C, as long as the Dept. of LWD, Construction EEO Monitoring Program is satisfied that the contractor or subcontractor is employing workers

## **EXHIBIT B (Cont)**

provided by a union which provides evidence, in accordance with standards prescribed by the Dept. of LWO, Construction EEO Monitoring Program, that its percentage of active "card carrying" members who are minority and women workers is equal to or greater than the targeted employment goal established in accordance with N.J.A.C. 17:27-7.2. The contractor or subcontractor agrees that a good faith effort shall include compliance with the following procedures:

(A) If the contractor or subcontractor has a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three business days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with the rules promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et. seq., as supplemented and amended from time to time and the Americans with Disabilities Act. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five business days prior to the commencement of construction work, the contractor or subcontractor agrees to afford equal employment opportunities minority and women workers directly, consistent with this chapter. If the contractor's or subcontractor's prior experience with a construction trade union, regardless of whether the union has provided said assurances, indicates a significant possibility that the trade union will not refer sufficient minority and women workers consistent with affording equal employment opportunities as specified in this chapter, the contractor or subcontractor agrees to be prepared to provide such opportunities to minority and women workers directly, consistent with this chapter, by complying with the hiring or scheduling procedures prescribed under (B) below; and the contractor or subcontractor further agrees to take said action immediately if it determines that the union is not referring minority and women workers consistent with the equal employment opportunity goals set forth in this chapter.

(8) If good faith efforts to meet targeted employment goals have not or cannot be met for each construction trade by adhering to the procedures of (A) above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor agrees to take the following actions:

(I) To notify the public agency compliance officer, the Dept. of LWD, Construction EEO Monitoring Program, and minority and women referral organizations listed by the Division pursuant to N.J.A.C. 17:27-5.3, of its workforce needs, and request referral of minority and women workers;

(2) To notify any minority and women workers who have been listed with it as awaiting available vacancies;

(3) Prior to commencement of work, to request that the local construction trade union refer minority and women workers to fill job openings, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade;

## **EXHIBIT B (Cont)**

(4) To leave standing requests for additional referral to minority and women workers with the local construction trade union, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State Training and Employment Service and other approved referral sources in the area;

(5) If it is necessary to lay off some of the workers in a given trade on the construction site, layoffs shall be conducted in compliance with the equal employment opportunity and non-discrimination standards set forth in this regulation, as well as with applicable Federal and State court decisions;

(6) To adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:

(i) The contractor or subcontractor shall interview the referred minority or women worker.

(ii) If said individuals have never previously received any document or certification signifying a level of qualification lower than that required in order to perform the work of the construction trade, the contractor or subcontractor shall in good faith determine the qualifications of such individuals. The contractor or subcontractor shall hire or schedule those individuals who satisfy appropriate qualification standards in conformity with the equal employment opportunity and non-discrimination principles set forth in this chapter. However, a contractor or subcontractor shall determine that the individual at least possesses the requisite skills, and experience recognized by a union, apprentice program or a referral agency, provided the referral agency is acceptable to the Dept. of LWO, Construction EEO Monitoring Program. If necessary, the contractor or subcontractor shall hire or schedule minority and women workers who qualify as trainees pursuant to these rules. All of the requirements, however, are limited by the provisions of (C) below.

(iii) The name of any interested women or minority individual shall be maintained on a waiting list, and shall be considered for employment as described in (i) above, whenever vacancies occur. At the request of the Dept. of LWO, Construction EEO Monitoring Program, the contractor or subcontractor shall provide evidence of its good faith efforts to employ women and minorities from the list to fill vacancies.

(iv) If, for any reason, said contractor or subcontractor determines that a minority individual or a woman is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing of the reasons for the determination, maintain a copy of the determination in its files, and send a copy to the public agency compliance officer and to the Dept. of LWO, Construction EEO Monitoring Program.

(7) To keep a complete and accurate record of all requests made for the referral of workers in any trade covered by the contract, on forms made available by the Dept. of LWO, Construction EEO Monitoring Program and submitted promptly to the Dept. of LWO, Construction EEO Monitoring Program upon request.

## **EXHIBIT B (Cont)**

(C) The contractor or subcontractor agrees that nothing contained in (B) above shall preclude the contractor or subcontractor from complying with the union hiring hall or apprenticeship policies in any applicable collective bargaining agreement or union hiring hall arrangement, and, where required by custom or agreement, it shall send journeymen and trainees to the union for referral, or to the apprenticeship program for admission, pursuant to such agreement or arrangement. However, where the practices of a union or apprenticeship program will result in the exclusion of minorities and women or the failure to refer minorities and women consistent with the targeted county employment goal, the contractor or subcontractor shall consider for employment persons referred pursuant to (B) above without regard to such agreement or arrangement; provided further, however, that the contractor or subcontractor shall not be required to employ women and minority advanced trainees and trainees in numbers which result in the employment of advanced trainees and trainees as a percentage of the total workforce for the construction trade, which percentage significantly exceeds the apprentice to journey worker ratio specified in the applicable collective bargaining agreement, or in the absence of a collective bargaining agreement, exceeds the ratio established by practice in the area for said construction trade. Also, the contractor or subcontractor agrees that, in implementing the procedures of (B) above, it shall, where applicable, employ minority and women workers residing within the geographical jurisdiction of the union.

After notification of award, but prior to signing a construction contract, the contractor shall submit to the public agency compliance officer and the Dept. of LWD, Construction EEO Monitoring Program an initial project workforce report (Form AA-20 I) electronically provided to the public agency by the Dept. of LWD, Construction EEO Monitoring Program, through its website, for distribution to and completion by the contractor, in accordance with N.J.A.C. 17:27-7. The contractor also agrees to submit a copy of the Monthly Project Workforce Report once a month thereafter for the duration of this contract to the Dept. of LWD, Construction EEO Monitoring Program, and to the public agency compliance officer.

The contractor agrees to cooperate with the public agency in the payment of budgeted funds, as is necessary, for on-the-job and/or off-the-job programs for outreach and training of minorities and women.

(D) The contractor and its subcontractors shall furnish such reports or other documents to the Dept. of LWO, Construction EEO Monitoring Program as may be requested by the Dept. of LWO, Construction EEO Monitoring Program from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Dept. of LWO, Construction EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

**EXECUTIVE ORDER 151 - NOTICE OF ADDITIONAL  
MANDATORY CONSTRUCTION**

**CONTRACT LANGUAGE**



## State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PUBLIC CONTRACTS  
EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

JON S. CORZINE  
*Governor*

PO Box 209  
TRENTON, NJ 08625-0209

R. DAVID ROUSSEAU  
*State Treasurer*

# NOTICE OF ADDITIONAL MANDATORY CONSTRUCTION CONTRACT LANGUAGE

On Friday, August 28, 2009, Governor Corzine signed Executive Order No. 151 which enhances inclusion efforts for minorities and women to benefit from the New Jersey Economic Assistance and Recovery Plan and the American Recovery and Reinvestment Act of 2009 (ARRA). The Executive Order includes a provision which requires all state agencies, independent authorities and colleges and universities to include additional mandatory equal employment and affirmative action language in its construction contracts. It is important to note that ~~this language is in addition to and does not replace the mandatory contract language and good faith efforts requirements for construction contracts required by N.J.A.C. 17:27-3.6, 3.7 and 3.8, also known as Exhibit B.~~ The additional mandatory equal employment and affirmative action language is as follows:

It is the policy of the **NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY ("NJEDA")** that its contracts should create a workforce that reflects the diversity of the State of New Jersey. Therefore, contractors engaged by the **NJEDA** to perform under a construction contract shall put forth a good faith effort to engage in recruitment and employment practices that further the goal of fostering equal opportunities to minorities and women.

The contractor must demonstrate to the **NJEDA's** satisfaction that a good faith effort was made to ensure that minorities and women have been afforded equal opportunity to gain employment under the **NJEDA's** contract with the contractor. Payment may be withheld from a contractor's contract for failure to comply with these provisions.

Evidence of a "good faith effort" includes, but is not limited to:

1. The Contractor shall recruit prospective employees through the State Job bank website, managed by the Department of Labor and Workforce Development, available online at <http://NJ.gov/JobCentralNJ>;
2. The Contractor shall keep specific records of its efforts, including records of all individuals interviewed and hired, including the specific numbers of minorities and women;



3. The Contractor shall actively solicit and shall provide the **NJEDA** with proof of solicitations for employment, including but not limited to advertisements in general circulation media, professional service publications and electronic media; and
4. The Contractor shall provide evidence of efforts described at 2 above to the **NJEDA** no less frequently than once every 12 months.
5. The Contractor shall comply with the requirements set forth at N.J.A.C. 17:27.

To ensure successful implementation of the Executive Order, state agencies, independent authorities and colleges and universities must forward an Initial Project Workforce Report (AA 201) for any projects funded with ARRA money to the Division of Public Contracts EEO Compliance immediately upon notification of award but prior to execution of the contract.

If you have questions or require additional information, please contact the Division at 609-292-5473.

## **EXECUTIVE ORDER 11**



**State of New Jersey  
Executive Order #11  
Governor Jon S. Corzine**

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WHEREAS, New Jersey *is* a national leader in promoting energy efficiency, renewable energy) and environmental protection and *is* dedicated to reducing energy usage, which decreases emissions of greenhouse gasses and improves the health and welfare of the State's citizens; and

WHEREAS, increasing greenhouse gas emissions have been documented to result in global warming that is causing a rise in sea level, which in turn will affect the natural resources of the 127 miles of New Jersey's coast and negatively impact billions of dollars of existing infrastructure; and

WHEREAS, New Jersey State government controls hundreds of buildings throughout the State and spends nearly \$128 million annually on energy for its various facilities; and

WHEREAS, establishing the position of Director of Energy Savings within the Department of Treasury will assist in reducing the State's energy expenses and benefit the environment; and

WHEREAS, reducing energy usage through energy efficiency and increased use of renewable energy will improve the State's economy by exerting downward pressure on natural gas prices and otherwise lowering the cost of energy, creating local jobs, and stemming the flow of energy dollars to out-of-state entities; and

WHEREAS, energy savings and environmental protection gains can be achieved through changes in the purchasing patterns of State government, which wields considerable purchasing power; and

WHEREAS, the increased purchase of energy efficient, less toxic, and recycled products and services by State government is considered one of the best ways to bolster these markets, as well as the economic viability of New Jersey; and

WHEREAS, State government should assume a leadership role in promoting the

efficient use of energy and natural resources in the interest of long-term protection and enhancement of our State's natural beauty;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created within the Department of Treasury the position of Director of Energy Savings. The Director of Energy Savings shall be appointed by the Governor and shall report to the Treasurer.
2. The Director of Energy Savings shall be responsible for implementing a program to increase energy efficiency, reduce energy usage, and improve the procurement of energy for all State facilities. Specifically, the Director of Energy Savings shall:
  - a. Oversee energy audits to be conducted at State buildings, centers, and facilities and subsequent implementation of the recommendations contained in the audits in the most cost-effective manner available. These audits shall, at a minimum, analyze energy efficiencies and the feasibility of installing on-site renewable energy systems that can be cost effectively implemented with a 10-year payback period;
  - b. Provide an annual report to the Governor outlining the environmental results and cost savings to the State;
  - c. Take the action necessary to enable the State to partake in the bulk purchase and energy contract program to maximize the State's purchasing power;
  - d. Assist in implementing the procurement practices set forth in this Order;
  - e. Work with the Economic Development Authority, the Office of Economic Growth, the Commission on Science and Technology, and the Board of Public Utilities to develop a plan for promoting economic development around renewable energy and advanced energy technologies;
  - f. Coordinate with the agencies that own, lease, occupy or maintain State buildings to implement immediate energy efficiency practices;

- g. Evaluate and determine whether the State should participate in the Board of Public Utilities' Clean Power Choice program; and
  - h. **Review the current State vehicle fleet, within the context of current federal and State standards, to determine whether more fuel efficient vehicles may be purchased.**
3. **AH State departments, authorities and instrumentalities with purchasing or procurement authority (hereinafter, "State agencies") shall select ENERGY STAR energy-efficient products when acquiring new energy-using products or replacing existing equipment. The Director of the Division of Purchase and Property in the Department of Treasury (hereinafter, the "Division of Purchase and Property") shall issue standards and guidelines to implement this requirement. For products that do not have ENERGY STAR labels, State agencies shall follow guidelines established by the New Jersey Clean Energy Program'.**
  4. **Each State agency shall appoint or reappoint, within 30 days of the effective date of this Order, a coordinator from the agency procurement staff who will be responsible for coordinating with the Director of Energy Savings and the Division of Purchase and Property for the procurement by the State agency of energy, energy efficient products and equipment, renewable energy products, recycled products, low toxicity products and alternatives to products that contain mercury, lead, or other persistent bioaccumulative toxics (PBTs), and other products manufactured through environmentally sustainable methods. The coordinator's responsibility is to ensure agency compliance with the provisions of this Order. Those State agencies with independent procurement authority shall consult with the Division of Purchase and Property as well as the Director of Energy Savings in accordance with the requirements of this Order to ensure statewide adherence hereto.**
  5.
    - a. **For the purposes of this section, "competitive" means of comparable quality and available at a price no more than 150/o above the price arrived at through competitive bid and "Addendum" means the Addendum to this Order which is incorporated herein by reference.**
    - b. **Each State agency shall, when purchasing products in the product categories set forth in the Addendum, purchase the recycled products listed in the Addendum, provided the recycled products are**

**competitive. In connection with such purchases, consideration shall be given to recycled products containing the highest percentage of post-consumer waste material.**

- c. **Each State agency shall print all publications and documents, including those publications and documents printed under the supervision of the State agency, on recycled paper, unless the State agency cannot procure a sufficient quantity of competitive recycled paper. The phrase "printed on recycled paper," "recycled paper" or words or symbols to that effect should be imprinted on the publication or document.**
  - d. **State agencies shall make best efforts to use both sides of the paper stock (Le., two-sided or duplex copies) when producing or copying documents.**
  - e. **In all product procurements, State agencies shall make best efforts to purchase low toxicity products, PBT-free or reduced-PBT products, and other products manufactured through environmentally sustainable methods. In cases where a PBT-free alternative is not available, the State agency shall include specifications to encourage product manufacturers to take back and recycle used PBT-containing products.**
- 6. In creating any new specification, and prior to the renewal of any expired specification, each State agency shall revise or eliminate any standards or provisions unrelated to performance that present barriers to the purchase of recycled products (e.g., unnecessary brightness standards or their equivalents for paper and paper products shall be lowered to remove any impediments that these standards may pose to the purchase of recycled paper or recycled paper products), energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods.**
- 7. The Director of the Division of Purchase and Property shall have the authority to extend any existing contracts under their current terms, when the Director determines such extension to be in the best interests of the State.**
- 8. Each State agency shall submit an annual report to the Division of Purchase and Property by August 31 of each year that details the types, volume and dollar amounts of recycled products, energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally**

**sustainable methods purchased during the previous fiscal year. This report shall be submitted either electronically or on paper in accordance with subsections (c) and (d) of section 5 of this Order.**

- 9. State agencies shall transition to energy efficient products and equipment, renewable energy products, recycled products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods as soon as possible but in a manner that avoids wasting of existing inventories and allows the phase-out of products inconsistent with this Order.**
- 10. The Office of Clean Energy in the Board of Public Utilities and the Department of Environmental Protection shall provide technical assistance to the Director of Energy Savings, State agency coordinators, and the Division of Purchase and Property in support of implementation of this Order and shall promote innovative research and development to identify new recycled products, energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods to be purchased by State agencies.**
- 11. This Order shall not apply** whenever inclusion in a contract of a provision or provisions of this Order would violate the terms, conditions, or limitations of any grant, funding or financial assistance from the federal government or any agency thereof.
- 12. This Order shall take effect immediately.**

**GIVEN, under my hand and seal this 22nd day of April, Two Thousand and Six, and of the Independence of the United States, the Two Hundred and Thirtieth.**

*/s/ Jon S. Corzine*

**Governor**

[seal]

Attest:

*/s/ Stuart Rabner*

## Addendum

Asphalt pavement or asphalt pavement patching materials made with recycled asphalt shingles - New Jersey Department of Transportation (hereinafter "NJDOT") specification

Building insulation products

Carpet

Carpet cushion

Cement and concrete

Consolidated and reprocessed latex paint

Floor tiles

Flowable fill

Glassphalt - NJDOT specification

Laminated paperboard

Patio blocks

Railroad grade crossing surfaces

Reclaimed asphalt pavement (RAP) - NJDOT specification

Recycled concrete aggregate (RCA) - NJDOT specification

Recycled plastic lumber -American Society for Testing and Materials specification

Rubber modified asphalt

Shower and restroom dividers/partitions

Structural fiberboard

Garden and soaker hoses  
Hydraulic mulch  
Lawn and garden edging  
Mulch, compost and other soil amendments made from municipal solid waste, sludge, yard waste, food waste, clean wood scrap and other organic materials - NJDEP solid waste and recycling rules

Plastic lumber landscaping timbers and posts

**Nonpaper Office Products - In accordance with NJSEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:**

**Binders, clipboards, file folders, dip portfolios, and presentation folders**

**Office recycling containers**

**Office waste receptacles**

**Plastic desktop accessories**

**Plastic envelopes**

**Plastic trash bags**

**Printer ribbons**

**Toner cartridges**

**Soy-based inks**

**Paper and Paper Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:**

Commercial/industrial **sanitary tissue** products

**Miscellaneous** papers

Newsprint

**Paperboard** and **packaging products**

**Printing** and writing papers

**Park and Recreation Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:**

**Park benches** and picnic **tables**

**Plastic** fencing

Playground equipment

**Playground** surfaces

**Running** tracks

**Transportation Products- Unless otherwise noted, in accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:**

**Channelizers**

**Delineators - NJDOT specification**

**Flexible delineators**

**Parking stops**

Traffic barricades

Traffic cones - NJDOT specification

Miscellaneous Products - In accordance with USEPA's Comprehensive

Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Awards and plaques

Industrial drums

Manual-grade strapping

Mats

PalJets

Signage

Sorbents

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# **FEDERAL NON-DEBARMENT CERTIFICATION**

N.J.S.A. 52:32-44.1 (P.L. 2019, c.406)

## **Bidders are required to comply with the Certification Requirements under N.J.S.A. 52:32-44.1**

Pursuant to state law any natural person, company, firm, association, corporation, or other entity prohibited, or “debarred,” from contracting with the federal government agencies, shall also be prohibited from contracting for public work in the state of New Jersey. This prohibition also extends to any affiliate organization(s) held by or subject to the control of an entity of that prohibited person or entity.

Prior to awarding a contract for public work a local units must obtain written certification from the contracting person or entity through the form below, attesting to their non-debarment from contracting with federal government agencies. Contracting units are reminded that they must fill-in the boilerplate information in the certification sections of Parts II through IV regarding their name and type of contracting unit before using the form.

**CERTIFICATION OF NON-DEBARMENT  
FOR FEDERAL GOVERNMENT CONTRACTS**

N.J.S.A. 52:32-44.1 (P.L. 2019, c.406)

**This certification shall be completed, certified to, and submitted to the contracting unit prior to contract award, except for emergency contracts where submission is required prior to payment.**

<b>PART I: VENDOR INFORMATION</b>	
Individual or Organization Name	
Physical Address of Individual or Organization	
Unique Entity ID (if applicable)	
CAGE/NCAGE Code (if applicable)	
<b>Check the box that represents the type of business organization:</b>	

- ☐ Sole Proprietorship (skip Parts III and IV) ☐ Non-Profit Corporation (skip Parts III and IV)
- ☐ For-Profit Corporation (any type) ☐ Limited Liability Company (LLC) ☐ Partnership
- ☐ Limited Partnership ☒ Limited Liability Partnership (LLP)
- ☐ Other (be specific): \_\_\_\_\_

<b>PART II – CERTIFICATION OF NON-DEBARMENT: Individual or Organization</b>			
<p>I hereby certify that the <b>individual or organization listed above in Part I</b> is not debarred by the federal government from contracting with a federal agency. I further acknowledge: that I am authorized to execute this certification on behalf of the above-named organization; that the <b><i>New Jersey Economic Development Authority (“NJEDA”)</i></b> is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the date of contract award by <b><i>Real Estate Development Division of NJEDA (“REDD”)</i></b> to notify the <b><i>REDD</i></b> in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the <b><i>REDD</i></b>, permitting the <b><i>REDD</i></b> to declare any contract(s) resulting from this certification void and unenforceable.</p>			
Full Name (Print):		Title:	
Signature:		Date:	

**PART III – CERTIFICATION OF NON-DEBARMENT: Individual or Entity Owning Greater than 50 Percent of Organization**

**Section A (Check the Box that applies)**

<input type="checkbox"/>	Below is the name and address of the stockholder in the corporation who owns more than 50 percent of its voting stock, or of the partner in the partnership who owns more than 50 percent interest therein, or of the member of the limited liability company owning more than 50 percent interest therein, as the case may be.
<b>Name of Individual or Organization</b>	
<b>Physical Address</b>	
<b>OR</b>	
<input type="checkbox"/>	No one stockholder in the corporation owns more than 50 percent of its voting stock, or no partner in the partnership owns more than 50 percent interest therein, or no member in the limited liability company owns more than 50 percent interest therein, as the case may be.
<b>Section B (Skip if no Business entity is listed in Section A above)</b>	
<input type="checkbox"/>	Below is the name and address of the stockholder in the corporation who owns more than 50 percent of the voting stock of the organization's parent entity, or of the partner in the partnership who owns more than 50 percent interest in the organization's parent entity, or of the member of the limited liability company owning more than 50 percent interest in organization's parent entity, as the case may be.
<b>Stockholder/Partner/Member Owning Greater Than 50 Percent of Parent Entity</b>	
<b>Physical Address</b>	
<b>OR</b>	
<input type="checkbox"/>	No one stockholder in the parent entity corporation owns more than 50 percent of its voting stock, no partner in the parent entity partnership owns more than 50 percent interest therein, or no member in the parent entity limited liability company owns more than 50 percent interest therein, as the case may be.

**Section C – Part III Certification**

I hereby certify that no individual or organization that is debarred by the federal government from contracting with a federal agency owns greater than 50 percent of the **Organization listed above in Part I** or, if applicable, owns greater than 50 percent of a parent entity of **<name of organization>**. I further acknowledge: that I am authorized to execute this certification on behalf of the above-named organization; that the **NJEDA** is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the date of contract award **REDD** to notify the **REDD** in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the **REDD**, permitting the **REDD** to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:	
Signature:		Date:	

**Part IV – CERTIFICATION OF NON-DEBARMENT: Contractor – Controlled Entities****Section A**☐

Below is the name and address of the corporation(s) in which the **Organization listed in Part I** owns more than 50 percent of voting stock, or of the partnership(s) in which the **Organization listed in Part I** owns more than 50 percent interest therein, or of the limited liability company or companies in which the **Organization listed above in Part I** owns more than 50 percent interest therein, as the case may be.

Name of Business Entity	Physical Address

**\*\*Add additional sheets if necessary\*\***

**OR**☐

The **Organization listed above in Part I** does not own greater than 50 percent of the voting stock in any corporation and does not own greater than 50 percent interest in any partnership or any limited liability company.

Section B (skip if no business entities are listed in Section A of Part IV)			
<input type="checkbox"/>		Below are the names and addresses of any entities in which an entity listed in Part III A owns greater than 50 percent of the voting stock (corporation) or owns greater than 50 percent interest (partnership or limited liability company).	
Name of Business Entity Controlled by Entity Listed in Section A of Part IV		Physical Address	
**Add additional Sheets if necessary**			
OR			
<input type="checkbox"/>		No entity listed in Part III A owns greater than 50 percent of the voting stock in any corporation or owns greater than 50 percent interest in any partnership or limited liability company.	
Section C – Part IV Certification			
<p>I hereby certify that the <b>Organization listed above in Part I</b> does not own greater than 50 percent of any entity that that is debarred by the federal government from contracting with a federal agency and, if applicable, does not own greater than 50 percent of any entity that in turns owns greater than 50 percent of any entity debarred by the federal government from contracting with a federal agency. I further acknowledge: that I am authorized to execute this certification on behalf of the above-named organization; that the <b>NJEDA</b> is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the date of contract award by <b>REDD</b> to notify the <b>REDD</b> in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the <b>REDD</b>, permitting the <b>REDD</b> to declare any contract(s) resulting from this certification void and unenforceable.</p>			
Full Name (Print):			Title:
Signature:			Date:



## **New Jersey Economic Development Authority (NJEDA)**

### **Labor Compliance Department**

### **Prevailing Wage (PW) & Affirmative Action (AA) Pre-Construction Packet**

All forms can be found online at:  
[Labor Standards Compliance - NJEDA](#)

This packet is intended as a guide for contractors to help them maintain compliance throughout the life of the project. The following is a list of documents required for Labor Standards Compliance on NJEDA and PW and AA projects.

<b>NJEDA Contractor Portal Registration and NJDOL Information</b>	
1.	Web Portal & Contractor Registration - Instructions
2.	Current NJ Debarment List: <a href="#">Wage and Hour Compliance   Debarment List (nj.gov)</a>
3.	NJDOL Public Works Contractor Registration: <a href="https://www.nj.gov/labor/wageandhour/registration-permits/register/publicworksregistration.shtml">https://www.nj.gov/labor/wageandhour/registration-permits/register/publicworksregistration.shtml</a>

<b>PW and AA Pre-Construction Packet</b>	
4.	Web Portal Instructions
5.	Contractor Registration Act
6.	Custom Fabrication Law
7.	Mandatory Contract Language; NJ Prevailing Wage*
8.	Mandatory Contract Language; Affirmative Action
9.	PW & AA Addendum to the Construction Contract (Business Entity Receiving Financial Assistance & GC/Prime/CM and Landlord)
10.	PW & AA Addendum to the Construction Contract (GC/Prime/CM and Subcontractors)
11.	County Goals for Minority and Women Participation
12.	AA FORM 1: Initial Construction Project Workforce Report
13.	AA FORM 2: Monthly Project Workforce Report
14.	NJ Law Prohibits Discrimination in Employment Labor Poster
15.	Certified Payroll Report
16.	Sample Referral Letters for Good Faith Efforts (GFE)
17.	PW & AA Completion Certificate
18.	Sample Contractor Release Letter

<b>For Informational Purposes Only</b>	
19.	Employee Misclassification (Employee vs. Independent Contractors)



# New Jersey Economic Development Authority (NJEDA)

## Labor Compliance Department

### Labor Compliance Contractor Web Portal

As of January 1, 2015, General Contractors are required to submit all mandatory NJEDA Labor Compliance Documents via the Contractor Web Portal.

Web Portal Address: <https://aaonline.njeda.com>

#### Mandatory NJEDA Labor Compliance Documents

- NJEDA Affirmative Action - Addendum to Construction Contract Signature Page:
    - Business Entity Receiving Financial Assistance and General Contractor
    - General Contractor and each Subcontractor (all tiers)
    - Business Entity Receiving Financial Assistance, Landlord, and General Contractor (if applicable)
    - Contractor Registration Certificate for the General Contractor and each Subcontractor (all tiers)
  - NJEDA AA Form 1: Initial Construction Project Workforce Manning Report\*
  - NJEDA AA Form 2: Monthly Project Workforce Report\*
  - Certified Payroll Reports
  - Good Faith Effort(GFE) Referral Letters
- \* Electronic Submissions completed within the Contractor Web Portal – not uploaded

**NOTE:** Uploading of documents does not apply to Hurricane Sandy construction projects. Please contact the Sandy compliance officer for instructions.

#### Instructions for the PW and AA Contractor Web Portal

**REGISTRATION:** (Only for Contractors who do not already have an account)

1. Go to <https://aaonline.njeda.com>
2. Click on the box “REGISTER FOR AN ACCOUNT” located on the upper right-hand side
3. Read the Agreement page and click “Accept”
4. Fill in your information on the REGISTER FOR ELECTRONIC SUBMISSION page then click SUBMIT
5. Following your submission, you will receive an email notification with your logon information (which will be your email address) and a Temporary Password. Log back in with the temporary password and change your password

#### UPLOADING DOCUMENTS:

- 1) Go to <https://aaonline.njeda.com> Log in to the Web Portal using your email address and Password
- 2) Click on the grey box “UPLOAD Document” located on the upper right-hand side
- 3) Select what type of document you would like to upload and press continue
- 4) Select the AAPWR number after clicking the down arrow.  
**\*\*If you do not know your AAPWR Number or it is not in the drop down contact your EDA Compliance Officer\*\***
- 5) As prompted for each compliance document type, enter Subcontractor’s name
- 6) Click Select and navigate to the file you wish to upload, **ALL** documents must be submitted in Adobe PDF format
- 7) Click “Upload File”
- 8) Use the “Click here” to continue to upload more documents or if you are finished click “Logout”

A1 Form Training Video: <https://youtu.be/FNKsvIkIC6M>

A2 Form Training Video: <https://youtu.be/3aEhumFMdwU>

# CONTRACTOR REGISTRATION LAW

## CHAPTER 376 (CORRECTED COPY)

AN ACT concerning public works contractor registration and amending P.L.1999, c.238.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1999, c.238 (C.34:11-56.50) is amended to read as follows:

C.34:11-56.50 Definitions relative to public works contractors.

3. As used in this act:

"Commissioner" means the Commissioner of Labor and Workforce Development or his duly authorized representatives.

"Contractor" means a person, partnership, association, joint stock company, trust, corporation, or other legal business entity or successor thereof who enters into a contract which is subject to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), or who is required to pay its workers the prevailing wage by any other provision of law, and includes any subcontractor or lower tier subcontractor of a contractor as defined herein.

"Department" means the Department of Labor and Workforce Development.

"Director" means the Director of the Division of Wage and Hour Compliance in the Department of Labor and Workforce Development.

"Worker" includes laborer, mechanic, skilled or semi-skilled laborer and apprentices or helpers employed by any contractor or subcontractor and engaged in the performance of services directly upon a public work, who have completed or are actively participating in a registered apprenticeship program, regardless of whether their work becomes a component part thereof, but does not include material suppliers or their employees who do not perform services at the job site.

"Registered apprenticeship program" means an apprenticeship program which is registered with and approved by the United States Department of Labor and which provides each trainee with combined classroom and on-the-job training in an occupation recognized as an apprenticeable trade and meets the program standards of enrollment and graduation under 29 C.F.R. s.29.6

2. Section 4 of P.L.1999, c.238 (C.34:11-56.51) is amended to read as follows:

C.34:11-56.51 Registration required for contractors, subcontractors.

4. No contractor shall bid on any contract for public work as defined in section 2 of P.L.1963, c.150 (C.34:11-56.26), or for which payment of the prevailing wage is required by any other provision of law, unless the contractor is registered pursuant to this act. No contractor shall list a subcontractor in a bid proposal for the contract unless the subcontractor is registered pursuant to P.L.1999, c.238 (C.34:11-56.48 et seq.) at the time the bid is made. No contractor or subcontractor, including a subcontractor not listed in the bid proposal, shall engage in the performance of any public work subject to the contract, unless the contractor or subcontractor is registered pursuant to that act.

3. Section 8 of P.L.1999, c.238 (C.34:11-56.55) is amended to read as follows:

C.34:11-56.55 Submission of all subcontractor registration certificates by contractor.



8. Each contractor shall, after the bid is made and prior to the awarding of the contract, submit to the public entity, including, but not limited to, any authority, board, or commission, the certificates of registration for all subcontractors listed in the bid proposal. Applications for registration shall not be accepted as a substitute for a certificate of registration for the purposes of this section.

4. This act shall take effect on the first day of the third month following enactment.

Approved January 21, 2020.

<https://plus.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5F0Y-C4J1-6F13-042T-00000-00&context=1530671>

Certificate Number

Registration Date: 04/21/2023

Expiration Date: 04/20/2025



# State of New Jersey

## Department of Labor and Workforce Development Division of Wage and Hour Compliance

### Public Works Contractor Registration Act

Pursuant to N.J.S.A. 34:11-56.48, et seq. of the Public Works Contractor Registration Act, this certificate of registration is issued for purposes of bidding on any contract for public work or for engaging in the performance of any public work to:

# SAMPLE

**Responsible Representative(s):**

Kenneth Fritze, President

A handwritten signature in black ink, reading "RA Angelo", written over a light gray rectangular background.

Robert Asaro-Angelo, Commissioner  
Department of Labor and Workforce Development

NON TRANSFERABLE

This certificate may not be transferred or assigned and may be revoked for cause by the Commissioner of Labor and Workforce Development.

# Custom Fabrication

*December 2021*



# Custom Fabrication

- ❖ The custom fabrication law to include part (b) 34:11-56.26. Definitions, as used in this act:

“***Custom fabrication***” means:

(a) the fabrication of plumbing, heating, cooling, ventilation or exhaust duct systems, and mechanical insulation; or

(b) any other fabrication which is either of components or structures pre-fabricated to specifications for a particular project of public work or of other materials finished into components without further modification for use in a project of public work or for use in a type or classification of a project of public work.

- ❖ As it applies to a prevailing wage project, when the offsite work meets the definition of custom fabrication the off-site work would also be covered.

***Essentially***, for the work to be covered under custom fabrication, *it must be built to specifications* for the project.



## **New Jersey Economic Development Authority**

### **MANDATORY CONSTRUCTION CONTRACT LANGUAGE PAYMENT OF PREVAILING WAGES IN AUTHORITY PROJECTS**

#### **N.J.A.C. 19:30 SUBCHAPTER 4. PAYMENT OF PREVAILING WAGES IN AUTHORITY PROJECTS**

The New Jersey Economic Development Authority “*Prevailing Wage Addendum to Construction Contract*”, which is provided by the Authority as part of its application for financial assistance and also available at [Labor Standards Compliance - NJEDA](#) must be part of all construction contracts and must be signed by the project owner/applicant, prime contractor and subcontractor (all tiers), and by the owner/applicant or recipient of authority financial assistance/ landlord, unless specifically exempted by N.J.A.C. 19:30-4.2.

#### **N.J.A.C. 19:30-4.2 Payments of prevailing wages in projects receiving assistance**

(a) Not less than the prevailing wage rate shall be paid to workers employed in the performance of any construction contract, including contracts for mill work fabrication, undertaken in connection with Authority financial assistance or any of its projects, those projects which it undertakes pursuant to P.L. 2002, c. 43 (N.J.S.A. 52:27BBB-1 et seq.), or undertaken to fulfill any condition of receiving Authority financial assistance, including the performance of any contract to construct, renovate, or otherwise prepare a facility for operations which are necessary for the receipt of Authority financial assistance, unless the work performed under the contract is:

1. Performed on a facility owned by a landlord of the entity receiving the assistance;
2. The landlord is a party to a construction contract(s); and
3. Less than 55 percent of the facility is leased by the entity at the time of the contract and under any agreement to subsequently lease the facility.

(b) In accordance with P.L. 2007, c. 245 (N.J.S.A. 34:1B-5.1), nothing in this subchapter shall be construed as requiring the payment of prevailing wage for construction commencing more than two years after an entity has executed with the Authority a commitment letter regarding Authority financial assistance and the first payment or other provision of the assistance is received.

#### **N.J.A.C. 19:30-4.3 Assurances required**

(a) Recipients of Authority financial assistance for construction contract shall deliver a NJEDA affirmative action completion certificate to the Authority (or designated agent for the Authority), upon completion of the contract, signed by an authorized representative of the recipient, representing and confirming that:

1. It has complied and has caused its landlord, if applicable, contractors and subcontractors to comply with the requirements of N.J.A.C. 19:30-4.2; or
2. It has not entered into any construction contracts subject to the provisions of N.J.A.C. 19:30-4.2(a) and its landlord has not entered in any contracts pursuant to N.J.A.C. 19:30-4.2(a).

**N.J.A.C. 19:30-4.4 Contract provisions required**

(a) **All construction contracts in the amount of \$2,000 or more** shall require that:

1. Prime contractors maintain and submit certified payrolls to the Authority; or
2. Contractors and subcontractors:
  - i. Permit the Authority, or its designated agent, complete access to payroll records and other records for purposes of determining compliance with the provisions of this subchapter; and
  - ii. Keep accurate records showing the name, craft or trade, and actual hourly rate of wages paid to each worker employed in connection with the performance of the contract and to preserve such records for two years from the date of payment.

In the event a construction contract has been executed between a project owner/applicant; or; a landlord not exempted by N.J.A.C. 19:30-3.4, and the contractor (or subcontractor) before the project owner/applicant applied to and/or received final approval, the Authority will require that any executed construction contract(s) be amended to include the NJEDA *"Prevailing Wage Addendum to Construction Contract"*, on a go-forward basis or incorporate such addendum by a side letter agreement.



## New Jersey Economic Development Authority

### **AFFIRMATIVE ACTION IN AUTHORITY-FINANCED CONSTRUCTION PROJECTS MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**

Pursuant to N.J.A.C. 19:30 SUBCHAPTER 3.

#### **N.J.A.C. 19:30-3.5 Construction contracts**

1. The New Jersey Economic Development Authority "*Affirmative Action Addendum to Construction Contract*", which is provided by the Authority as part of its application for financial assistance and also available at [Labor Standards Compliance - NJEDA](#), must be part of all construction contracts and must be signed by the project owner/applicant, prime contractor and subcontractor (all tiers).
2. Unless specifically exempted by N.J.A.C. 19:30-3.4 or 3.5(b), 10 percent of every disbursement for each construction contract in connection with the construction project shall be retained by the project owner/applicant, agent, trustee or lender until 50 per cent completion of the contract. Upon notification to the AA Compliance Officer that a contract is 50 percent complete and confirmation from the AA Compliance Officer that the project is in substantial compliance with this subchapter, five percent of every disbursement for each construction contract must be retained. Upon approximately 90 percent completion of the construction contract and receipt of an Authority Affirmative Action Completion Certificate that is acceptable to the Authority, the Authority will notify the project owner/applicant that the remaining retainage may be released.
3. The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional, or sexual orientation, gender identity or expression, disability, nationality, or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor or subcontractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality, or sex. Such equal employment opportunity shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Authority setting forth provisions of this nondiscrimination clause.
5. The contractor or subcontractor, where applicable, will in all solicitations or advertisements for employees placed by or on behalf of the contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.
6. The contractor or subcontractor, where applicable, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract of understanding, a referral letter, to be provided by the Authority, advising the labor union or workers' representative of the contractor's commitments under this subchapter and shall post copies of the referral letters in conspicuous places available to employees and applicants for employment.

7. The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers in each construction trade consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-7.2; provided, however, that the Authority may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed in N.J.A.C. 19:30-3.6 (see below), as long as the Authority is satisfied that the contractor or subcontractor is employing workers provided by a union which provides evidence, in accordance with standards prescribed by the Authority, that its percentage of active “card-carrying” members who are minority and women workers is equal to or greater than the applicable employment goals established in accordance with N.J.A.C. 17:27-7.2.
8. The general contractor that is awarded a construction contract or the project owner/applicant must submit an initial project workforce report to the Authority. Each initial workforce report shall identify the estimated workforce requirements, by trade or craft, of the construction contractors and subcontractors for the duration of the construction contract.
9. The general contractor must submit a monthly project workforce report to the Authority within 15 business days after the end of the reporting month.
10. The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.
11. In the event a construction contract has been executed between a project owner/applicant; Or; a landlord not exempted by N.J.A.C. 19:30-3.4, and the contractor or subcontractor before the project owner/applicant applied to and/or received final approval, the Authority will require that any executed construction contract(s) be amended to include the NJEDA “*Affirmative Action Addendum to Construction Contract*”, on a go-forward basis or incorporate such addendum by a side letter agreement.

#### 19:30-3.6 Good Faith

- (a) A contractor will be considered in compliance with this subchapter only if the contractor has made good faith efforts to meet the minority and women hiring goals for each trade or craft employed on the project. The goals are expressed as percentages of the total hours worked on the project in each trade. The goals are established by the Department of the Treasury, Division of Public Contracts Equal Employment Opportunity Compliance and can be found at the Division’s website at: [www.state.nj.us/treasury/contract\\_compliance/](http://www.state.nj.us/treasury/contract_compliance/).

The contractor must take the following steps in demonstrating good faith effort:

1. When hiring or scheduling workers in each construction trade, the contractor or subcontractor shall make good faith efforts to employ minority and women workers in each construction trade consistent with the applicable employment goal prescribed by N.J.A.C. 17:27-7.2; provided, however, that the Authority may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by this paragraph and (a) 2 below, as long as the Authority is satisfied that the contractor or subcontractor is employing workers provided by a union which provides evidence, in accordance with standards prescribed by the Authority, that its percentage of “card carrying” members who are minority and



women workers is equal to or greater than the applicable employment goal established in accordance with N.J.A.C. 17:27-7.3.

A good faith effort by the contractor or subcontractor shall include compliance with the following procedures:

- i. If the contractor or subcontractor has a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three business days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with this subchapter [N.J.A.C. 19:30 Subchapter 3] as supplemented and amended from time to time. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five business days prior to commencement of construction work, the contractor or subcontractor shall attempt to hire or schedule minority and women workers directly, consistent with the applicable employment goal. If the contractor's or subcontractor's prior experience with a construction trade union, regardless of whether the union has provided said assurances, indicates a significant possibility that the trade union will not refer sufficient minority and women workers consistent with the applicable employment goal, the contractor or subcontractor shall be prepared to hire or schedule minority and women workers directly, consistent with the applicable employment goal, by complying with the hiring or scheduling procedures prescribed under N.J.A.C. 19:30-3.6(a)2 below; and the contractor or subcontractor shall take said action immediately if it determines or is so notified by the Authority that the union is not referring minority and women workers consistent with the applicable employment goal.
2. If the hiring or scheduling of a workforce consistent with the employment goal has not or cannot be achieved for each construction trade by adhering to the procedures of (a)1 above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall take the following actions consistent with the applicable county employment goals:
  - i. Notify the Authority's Affirmative Action Compliance Officer and minority and women referral organizations listed by the Department of the Treasury, Division of Public Contracts Equal Employment Opportunity Compliance pursuant to N.J.A.C. 17:27-5.3, of its workforce needs, and request referral of minority and women workers.
  - ii. Notify any minority and women workers who have been listed with it as awaiting available vacancies;
  - iii. Prior to commencement of work, request that the local construction trade union refer minority and women workers to fill job openings, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade;
  - iv. Leave standing requests for additional referral to minority and women workers with the local construction trade union, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State training and employment service at [http://careerconnections.nj.gov/careerconnections/plan/support/njccsites/one\\_stop\\_career\\_centers.shtml](http://careerconnections.nj.gov/careerconnections/plan/support/njccsites/one_stop_career_centers.shtml) and other approved referral sources in the area until such time as the workforce is consistent with the employment goal; and

- v. If it is necessary to lay off any of the workers in a given trade on the construction site, assure, consistent with the applicable State and Federal statutes and court decisions, that sufficient minority and women employees remain on the site consistent with the employment goal; and employ any minority and women workers laid off by the contractor on any other construction site on which its workforce composition is not consistent with an employment goal established pursuant to rules implementing N.J.S.A. 10:5-31 et seq.;
- 3. The contractor or subcontractor shall adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:
  - i. If said individuals have never previously received any document or certification signifying a level of qualification lower than that required in order to perform the work of the construction trade, the contractor or subcontractor shall determine the qualifications of such individuals and if the contractor's or subcontractor's workforce in each construction trade is not consistent with the applicable employment goal, it shall hire or schedule those individuals who satisfy appropriate qualification standards. However, a contractor or subcontractor shall determine that the individual at least possess the requisite skills, and experience as recognized by a union, apprentice program or a referral agency, provided the referral agency is acceptable to the Authority. If necessary, the contractor or subcontractor shall hire or schedule minority workers who qualify as trainees pursuant to these rules. All of these requirements, however, are limited by the provisions of N.J.A.C. 19:30-3.6(a) 4 below.
  - ii. If the contractor's or subcontractor's workforce is consistent with the applicable employment goal, the name of any interested woman or minority individual shall be maintained on a waiting list for the first consideration, in the event the contractor's or subcontractor's workforce is no longer consistent with the applicable employment goal.
  - iii. If, for any reason, a contractor or subcontractor determines that a minority individual or a woman is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing of the reasons for the determination, maintain a copy of the determination in its files, and send a copy to the Authority's Affirmative Action Compliance Officer.
  - iv. The contractor or subcontractor shall keep a complete and accurate record of all requests made for the referral of workers in any trade covered by the contract, on forms made available by the Authority and submitted promptly to the Authority's Affirmative Action Compliance Officer upon request.
- 4. Nothing contained in N.J.A.C. 19:30-3.6(a) 2 above shall preclude the contractor or subcontractor from complying with the union hiring hall or apprenticeship policies in any applicable collective bargaining agreement or union hiring hall arrangement, and, where required by custom or agreement, it shall send journeymen and trainees to the union for referral, or to the apprenticeship program for admission, pursuant to such agreement or arrangement. However, where the practices of a union or apprenticeship program will result in the exclusion of minorities and women or the failure to refer minorities and women consistent with the county employment goal, the contractor or subcontractor shall consider for employment persons referred to N.J.A.C.19:30-3.6(a) 2 above without regard to such agreement or arrangement; provided further, however, that the contractor or subcontractor shall not be required to employ women and minority advanced trainees and trainees in numbers which result in the employment of advanced trainees and trainees as a percentage of the total workforce for the construction trade, which percentage significantly

exceeds the apprentice to journey workers ratio specified in the applicable collective bargaining agreement, or in the absence of a collective bargaining agreement, exceeds the ratio established by practice in the area for said construction trade. Also, in implementing the procedures of (a) 2 above, the contract or subcontractor shall, where applicable, employ minority and women workers, residing within the geographical jurisdiction of the union. After notification of award, but prior to signing a construction

contract, the contractor shall submit to the Authority an initial EDA project workforce report provided by the Authority for distribution to and completion by the contractor, in accordance with N.J.A.C. 19:30-3.7. The contractor shall also submit a copy of the Monthly Project Workforce Report once a month thereafter for the duration of this contract to the Authority. The contractor agrees to notify the Authority and at least two minority referral organizations of the contractor's labor needs, and to request referrals of minority and women workers. The contractor shall leave standing requests for referrals of minority and women workers with the local unions, the State Employment Service, New Jersey Bureau of Apprenticeship and Training and at least two referral sources designated from time to time by the Authority until such a time as the contractor has met its hiring goals.

5. In conforming with the applicable employment goals, the contractor or subcontractor shall review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

(b) When compliance challenges are initiated pursuant to N.J.A.C. 19:30-3.8, the Authority shall consider the following factors in its determination of whether a contractor or subcontractor has acted in good faith:

1. Whether the contractor or subcontractor has knowledge of and has considered the general availability of minorities and women having requisite skills in the immediate labor area;
2. Whether the contractor or subcontractor has knowledge of and has considered the percentage of minorities and women in the total workforce in the immediate labor area;
3. Whether, when the opportunity has presented itself, the contractor or subcontractor has considered promoting minority and women employees within its organization;
4. Whether the contractor or subcontractor attempted to hire minorities and women based upon the anticipated expansion, contraction and turnover of its workforce;
5. Whether the contractor or subcontractor has the ability to consider undertaking training as a means of making all job classifications available to minorities and women and whether it has done so;
6. Whether the contractor or subcontractor has utilized the available recruitment resources to attract minorities and women with requisite skills, including but not limited to training institutions, job placement services, referral agencies, newspapers, trade papers, faith-based organizations, and community-based organizations; and
7. Whether the contractor or subcontractor has documented its attempts to attain the goals.

**NJEDA AFFIRMATIVE ACTION AND PREVAILING WAGE- ADDENDUM TO THE CONSTRUCTION CONTRACT**  
**Business Entity Receiving Financial Assistance and/or Applicant/Leasee, General Contractor, Construction Manager,**  
**and Landlord**

**PW and AA Certification Form**

**Pursuant to N.J.A.C. 19:30 SUBCHAPTER 3 & 4 and Economic Recovery Act, P.L. 2020, c. 156 (as amended by P.L. 2021, c. 160)**

I/We, the undersigned certify to the New Jersey Economic Development Authority that the Authority's "Prevailing Wage and Affirmative Action Addendum to Construction Contract" has/will be included as part of all of this project's construction contract(s) greater than \$2,000.

If applicable, the landlord of the recipient of EDA financial assistance is ONLY required to sign this form, when the greater of the tenant required occupancy percentage of the facility as required for the Program under which the recipient is receiving financial assistance is, or will be leased by the recipient, at the time of the contract and under any agreement to subsequently lease the facility.

**Project Name, Address, and Description of where construction will be undertaken:**

<b>ENTITY RECEIVING EDA FINANCIAL ASSISTANCE AND/OR APPLICANT/LEASEE</b>		
	Company Name of Entity receiving EDA Assistance and/or Applicant/Leasee	
	Mailing Address of Entity receiving assistance and/or Applicant/Leasee (Street Address / P.O./ City / State/ Zip)	
	Name and Title of Authorized Signatory <b>X</b>	Phone
	Signature of Authorized representative of Entity receiving EDA Assistance and/or Applicant/Leasee	Date of Signature
E-mail address		

<b>GENERAL CONTRACTOR/ PRIME CONTRACTOR/ CONSTRUCTION MANAGER</b>		
	Company Name of General Manager, Prime Contractor, or Construction Manager	
	Mailing Address of General Contractor, Prime Contractor, or Construction Mgr. (Street Address / P.O./ City / State/ Zip)	
	Name and Title of Authorized Signatory <b>X</b>	Phone
	Signature of Authorized Representative	Date of Signature
Name of Person in Payroll, Accounting, etc. responsible for preparing monthly reports		E-mail address

<b>LANDLORD OF RECIPIENT (IF APPLICABLE)</b>		
	Company Name of Landlord of Entity above	
	Mailing Address of Landlord of Entity above (Street Address / P.O./ City / State/ Zip)	
	Name and Title of Authorized Signatory <b>X</b>	Date of Signature
	Signature of Authorized Representative of Landlord of Entity above	Phone
E-mail address		

**The General Contractor must scan and upload the signed Certification(s) at the beginning of the construction project to:**  
**NJ Economic Development Authority - Labor Compliance Dept. via <https://aaonline.njeda.com/aaweb/>**



NJEDA AAPWR NUMBER: \_\_\_\_\_

**NJEDA PREVAILING WAGE AND AFFIRMATIVE ACTION- ADDENDUM TO THE CONSTRUCTION CONTRACT  
General Contractor and Sub-contractor (all tiers) PW and AA Certification Form**

(Please complete one for each sub-contractor, both the General Contractor and Sub-Contractor must sign below)

**Pursuant to N.J.A.C. 19:30 SUBCHAPTER 3 & 4 and Economic Recovery Act, P.L. 2020, c. 156 (as amended by P.L. 2021, c. 160)**

I/We, the undersigned certify to the New Jersey Economic Development Authority that the Authority's "Prevailing Wage and Affirmative Action Addendum to Construction Contract" has/will be included as part of all of this project's construction contract(s) greater than \$2,000.

<b>Project Name, Address, and Description of where construction will be undertaken:</b>		
<b>GENERAL CONTRACTOR/ PRIME CONTRACTOR/ or CONSTRUCTION MANAGER</b>		
	Company Name of General Manager, Prime Contractor, or Construction Manager	
	Mailing Address of General Contractor, Prime Contractor, or Construction Mgr. (Street Address / P.O./ City / State/ Zip)	
	Signatory Name and Title <div style="color: red; font-weight: bold; font-size: 1.2em;">X</div>	Phone
	Signature of Authorized Representative	Date of Signature
	Name of Person in Payroll, Accounting, etc. responsible for preparing monthly reports	
<b>SUBCONTRACTOR</b>		
	Company Name of Subcontractor	
	Mailing Address of Subcontractor (Street Address / P.O./ City / State/ Zip)	
	Signatory Name and Title <div style="color: red; font-weight: bold; font-size: 1.2em;">X</div>	Phone
	Signature of Authorized Representative	Date of Signature
	Name of Person in Payroll, Accounting, etc. responsible for preparing monthly reports	
<b>SUBCONTRACTOR (Lower tier) if applicable</b>		
	Company Name of Subcontractor (lower tier)	
	Mailing Address of Subcontractor (lower tier) (Street Address / P.O./ City / State/ Zip)	
	Signatory Name and Title <div style="color: red; font-weight: bold; font-size: 1.2em;">X</div>	Phone
	Signature of Authorized Representative	Date of Signature
	Name of Person in Payroll, Accounting, etc. responsible for preparing monthly reports	

The General Contractor must scan and upload the signed Certification(s) at the beginning of the construction project to:  
NJ Economic Development Authority - Labor Compliance Dept. via <https://aaonline.njeda.com/aaweb/>



New Jersey Department of Treasury  
Equal Employment Opportunity and Affirmative Action

**COUNTY GOALS FOR MINORITY AND WOMEN  
WORKFORCE PARTICIPATION - CONSTRUCTION**  
(In accordance with N.J.A.C. 17:27-7.2)

Available at the Department's website at : [http://www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance)

Trade	Minority %	Women %
ATLANTIC	18	6.9
BERGEN	22	6.9
BURLINGTON	15	6.9
CAMDEN	19	6.9
CAPE MAY	5	6.9
CUMBERLAND	27	6.9
ESSEX	53	6.9
GLOUCESTER	9	6.9
HUDSON	60	6.9
HUNTERDON	3	6.9
MERCER	30	6.9
MIDDLESEX	24	6.9
MONMOUTH	15	6.9
MORRIS	16	6.9
OCEAN	7	6.9
PASSAIC	36	6.9
SALEM	10	6.9
SOMERSET	20	6.9
SUSSEX	4	6.9
UNION	45	6.9
WARREN	5	6.9

## LABOR COMPLIANCE DEPARTMENT

36 West State Street, Trenton, NJ 08625-0990

## INITIAL CONSTRUCTION PROJECT WORKFORCE REPORT (NJEDA AA Form 1)

1. NJEDA PROJECT No. (5 digits e.g. 12345)		2. AAPW Record ID		5. Co. receiving EDA Finance Assistance or Real Estate Project Name	
3. NAME AND ADDRESS OF GENERAL CONTRACTOR OR CONSTRUCTION MGR.					
(NAME)		6. DATE OF AWARD		7. DOLLAR AMOUNT OF AWARD	
(STREET ADDRESS)					
		8. NAME & ADDRESS OF PROJECT			
(CITY)	(STATE)	(ZIP CODE)	9. NJ COUNTY that Project is Located in:		10. IS THIS PROJECT COVERED BY A PROJECT LABOR AGREEMENT (PLA)?
					Yes or No
11. TRADE OR CRAFT		PROJECTED EMPLOYEES (HEADCOUNT)		PROJECT MILESTONES	
	12. TOTAL HEADCOUNT	13. # OF WOMEN (AS A SUBSET OF 12. TOTAL)	14. # OF MINORITIES (AS A SUBSET OF 12. TOTAL)	15. PROJECTED PHASE-IN DATE	16. PROJECTED COMPLETION DATE
1. ASBESTOS WORKER					
2. ASPHALT WORKER					
3. BOILER MAKER					
4. BRICK LAYER					
5. CARPENTER					
6. CEMENT FINISHERS					
7. DOCK BUILDER					
8. DRILLER					
9. ELECTRICIAN					
10. ELEVATOR CONSTRUCTION					
11. FLOOR LAYER					
12. GLAZIERS					
13. HVAC					
14. IRON WORKER					
15. INSULATION MECHANIC					
16. LABORER					
17. MASON					
18. MECHANIC					
19. MILLWRIGHT					
20. OPERATING ENGINEER					
21. PAINTERS					
22. PIPE FITTER					
23. PLASTERER					
24. PLUMBER					
25. ROOFER					
26. SHEETMETAL WORKER					
27. SPRINKLER FITTER					
28. SURVEYOR					
29. TEAMSTER, TRUCK DRIVER					
30. TELEDATA - ELECTRICIAN					
31. TILE LAYER; TILE SETTER					
32. TAPER					
33. WELDER					
34. OTHER LABOR FOREMAN					
TOTAL					

SAMPLE

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Please submit electronically on the AA Web Portal

<https://aaonline.njeda.com>





# New Jersey Law Prohibits Discrimination in Employment

- ON THE BASIS OF:** Race, Creed, Color, National Origin, Age, Ancestry, Nationality, Marital or Domestic Partnership or Civil Union Status, Sex, Gender Identity or Expression, Disability, Liability for Military Service, Affectional or Sexual Orientation, Atypical Cellular or Blood Trait, Genetic Information (including the refusal to submit to genetic testing)
- BY:** Private or State and Local Government Employers, Employment Agencies, or Labor Unions
- WITH RESPECT TO:** Hiring, Promotion, Transfer, Demotion, Termination, Salary, Benefits, Other Privileges, Conditions or Terms of Employment, Layoff, Harassment, Apprenticeship and Training Programs, Job Referrals, or Union Membership
- OR:** In Retaliation for Filing a Complaint, Participating or Testifying in Any Proceedings or for Opposing Any Acts Forbidden under the New Jersey Law Against Discrimination
- REMEDY MAY INCLUDE:** An Order Restraining Unlawful Discrimination, Back Pay, Damages for Pain and Humiliation Experienced as a Result of Unlawful Discrimination, Punitive Damages, and Attorney's Fees

*It is also unlawful to publish employment advertisements which discriminate against persons in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq.*

**Violations Should Be Reported To the Nearest Office  
of the NJ Division on Civil Rights or Call Toll Free at 866-405-3050**

**Atlantic City**

26 S. Pennsylvania Avenue, 3<sup>rd</sup> Floor  
Atlantic City, NJ 08401

(609) 441-3100 (Phone)  
(609) 441-7648 (TTY)

**Camden**

One Port Center  
2 Riverside Drive, 4<sup>th</sup> Floor

Camden, NJ 08103  
(856) 614-2550 (Phone)  
(856) 614-2574 (TTY)

**Jersey City**

574 Newark Avenue, 3<sup>rd</sup> Floor  
Jersey City, NJ 07306

(201) 798-5168 (Phone)

**Newark**

31 Clinton Street, 3<sup>rd</sup> Floor  
Newark, NJ 07102

(973) 648-2700 (Phone)  
(973) 648-4678 (TTY)

**Paterson**

100 Hamilton Plaza, 8<sup>th</sup> Floor  
Paterson, NJ 07501

(973) 977-4500 (Phone)  
(973) 977-1955 (TTY)

**Trenton**

140 East Front Street, 6<sup>th</sup> Floor  
Trenton, NJ 08625

(609) 292-4605 (Phone)  
(609) 292-1785 (TTY)

**[www.NJCivilRights.org](http://www.NJCivilRights.org)**

*The regulations of the New Jersey Division on Civil Rights require that all employers, employment agencies and labor organizations who are covered by the New Jersey Law Against Discrimination shall display this official poster in places easily visible to all employees and applicants. N.J.A.C. 13:8-1.2.*



**CIVIL RIGHTS**





# The Law Against Discrimination (LAD) Prohibits Discrimination and Harassment in Employment Based on Actual or Perceived

- Race or color
- Religion or creed
- Disability
- Age
- Sex
- Gender identity or expression
- Liability for military service
- Sexual orientation
- National origin, nationality, or ancestry
- Pregnancy or breastfeeding
- Marital or domestic partnership or civil union status
- Atypical cellular or blood trait, genetic information  
*including the refusal to submit to genetic testing*

The law means people cannot be treated differently, harassed, or otherwise discriminated against at work based on their membership in a protected class

The law applies to all employers (including labor unions, apprenticeship and training programs, and employment agencies) and in all aspects of employment, including but not limited to:

- Recruitment and job postings
- Interviews and hiring decisions
- Promotion or transfer
- Termination or demotion
- Compensation, including salary and benefits
- All terms, conditions, or privileges of employment
- Membership in a union

*Remedies may include money damages, an order to stop discrimination or harassment, adoption of new policies and procedures, attorney’s fees, and more.*

If you believe you have experienced discrimination, contact the



1-833-NJDCR4U

NJCivilRights.gov

**NJCivilRights.gov**

#CivilRightsNJ

**Division on Civil Rights**




@CivilRightsNJ #CivilRightsNJ #StopTheHate

***No one can retaliate against you for reporting LAD violations, filing a discrimination complaint, or exercising other rights under the LAD***

*All employers, employment agencies, and labor organizations shall display this official poster in places easily visible to all employees and applicants for employment. N.J.A.C. 13:8-1.2.*

**IMPORTANT:** For purposes of law, you must also submit this form to the appropriate public body or lessor, either via the NJ WageHub or other methods.

A=Asian: N=American Indian or Native Alaskan;  
I=Native Hawaiian or Pacific Islander: M= 2 or More

! Check rf additionaJsheets attached  
MW- :!(tif.l' )

[illegible]



**NJEDA SAMPLE REFERRAL LETTER TO UNION HALL**

DATE

LOCAL UNION HALL  
CONTACT NAME  
ADDRESS  
CITY, STATE, ZIP

RE: Request for Minority and Women Workers  
For (NJEDA Project Number and Name)

Dear Sir or Madam:

Acting in accordance with the New Jersey Economic Development Authority Act N.J.A.C 19:30 Subchapter 3 "Affirmative Action in Authority Financed Construction Projects" please provide us with qualified minority and women workers to reach our goals of \_\_\_\_% minority work hours and **6.9%** women work hours for each trade:

\_\_\_\_ # of Minority Workers for the following trades:

---

---

---

\_\_\_\_ # of Women Workers for the following trades:

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---

---

Please send us your written response within 48 hours of receipt of this request.

Sincerely,

Contractor representative  
(with signature)



**NJEDA SAMPLE REFERRAL LETTER TO A MINORITY AND WOMEN  
REFERRAL ORGANIZATION**

DATE

REFERRAL ORGANIZATION NAME

CONTACT NAME

ADDRESS

CITY, STATE, ZIP

**RE:** Request for Minority and Women Workers  
For P#XXX  
Project Name XXX

Dear Sir or Madam:

Acting in accordance with the New Jersey Economic Development Authority Act N.J.A.C 19:30 Subchapter 3 “Affirmative Action in Authority Financed Construction Projects” please provide us with qualified minority and women workers to reach our goals of \_\_\_\_% minority work hours and **6.9%** women work hours for each trade:

\_\_\_\_ # of Minority Workers for the following trades:

---

---

\_\_\_\_ # of Women Workers for the following trades:

---

---

Please send us your written response within 48 hours of receipt of this request.

Sincerely,

Contractor representative  
(with signature)



# NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

## Labor Compliance Completion Certificate

RECIPIENT OF AUTHORITY FINANCIAL ASSISTANCE COMPANY NAME *(Legal Name of Recipient of NJEDA Financial Assistance)*

--

**PROJECT NAME and LOCATION** *(include the Facility Name, Street Address, City and Zip Code of where construction was undertaken)*

--

**CONSTRUCTION COMPLETION DATE**

**NJ COUNTY** *(Project Location)*

**AAPWR NUMBER**

--

--

--

***Completion Certificate to be completed and signed by the Recipient and the General Contractor and submitted to NJEDA Labor Compliance Department:***

Instructions:

When the project is complete, sign the document below and email it to your assigned NJEDA Compliance Officer with a list of all sub-contractors (all tiers) who worked on this project.

I/We, the undersigned, certify to the New Jersey Economic Development Authority the project is **complete** as follows:

All workers employed in construction of the Project have been paid at a rate not less than the NJ Prevailing Wage rate unless specifically exempted by N.J.A.C. 19:30-4.2 (a) or (b), or N.J.A.C. 19:30-4.4 if applicable; In making this certification I have relied on payroll certifications prepared and submitted by the general contractor, prime contractor, all subcontractors including all lower-tier subcontractors.

All contractors & subcontractors subject to Prevailing Wage requirements are registered with the Department of Labor & Workforce Development as Public Works Contractors in accordance with N.J.S.A 34:11-56.48, et seq.

We have made good faith efforts to achieve minority and women workforce participation goals and submitted all reports and certificates required by the Authority.

<b>RECIPIENT OF AUTHORITY FINANCIAL ASSISTANCE</b>	Date (mm/dd/yyyy)	Signature of Authorized Representative - Recipient of NJEDA Financial Assistance
	Authorized Rep. Phone Number	Print Authorized Representative Name and Title
		Print Company's Legal Name - Recipient of NJEDA Financial Assistance
		Company's Street Address
		City, State and Zip Code
<b>GENERAL CONTRACTOR/ PRIME CONTRACTOR/ CONSTRUCTION MANAGER</b>	Date (mm/dd/yyyy)	Signature of Authorized Representative - General Contractor/Prime/ Construction Manager
	Authorized Rep. Phone Number	Print Authorized Representative Name and Title
		Print Company's Legal Name
		Company's Street Address
		City, State and Zip Code

I/We, the authorized representative of the Recipient of NJEDA Financial Assistance and the Construction Manager or General Contractor, certify that I/We have no knowledge or information which would cause me/us to believe that any facts, information or representations made here in are false or misleading.



Date

General Contractor Name

Address

City, State, Zip Code

Re:      Project Owner:      Applicant Name  
         Product Number:      PROD-00XXXX  
         AAPWR Number:      AAPWR-00XXXX

Subject: Contractor Release Letter - [Project Name/Number]

Dear [XXXXXXXX],

This letter serves as formal notification that the New Jersey Economic Development Authority (NJEDA) has determined that you and, therefore, the project owner, have satisfactorily complied with the NJEDA and NJ Department of Labor's Prevailing Wage Act, Affirmative Action, and Contractor Registration regulations N.J.S.A.34:1B-5.1, N.J.A.C 19:30-3, and N.J.S.A 34:11-56.58).

The determination is based on information provided by you in the referenced project. The following contractor(s) are acknowledged to be in compliance with the NJEDA:

**[List of Contractors/AAPWR]**

AAPWR#	Contractor Company Name	Contractor Contact
	(If applicable, if not enter "NA")	

It is imperative to note that, as per the project owner's agreement with the NJEDA, ongoing compliance with the NJEDA regarding the NJ Department of Labor's Prevailing Wage, Affirmative Action, and Contractor Registration Act regulations may be required. We strongly recommend discussing these terms with the project owner to ensure sustained compliance.

Should you have any further inquiries, please feel free to contact me at XXX-XXX-XXXX or via email at [name@njeda.gov](mailto:name@njeda.gov).

Thank you for your cooperation and commitment to compliance.

Sincerely,

[Your Name]

[Your Title]

CC:      Applicant Company Name



## Employee Misclassification

Employee (W2)

Independent Contractor (1099)

### Misclassification Task Force



#### Governor Murphy's Misclassification Task Force

- Chaired by the NJ Department of Labor, with combined representatives from the Departments of Agriculture, Economic Development, Human Services, Transportation, Treasury, and the Attorney General's office works in a collaborative effort on strengthening misclassification enforcement.
- By misclassifying workers as independent contractors – workers who file 1099s, not W2s – employers avoid paying unemployment and disability taxes, costing state and federal taxpayers untold millions of dollars.
- In New Jersey alone, auditors have identified more than \$80 million in underreported employer contributions since 2010.

## A Side-by-Side Comparison Employee vs. Independent Contractor



### Employee

*To be classified as an Employee of a company, the worker will:*

- Receive a W2 which includes
  - ✓ W2-Includes wages and withholding
  - ✓ W2-includes Withheld Federal & State taxes, Social Security, Workers Comp and Unemployment
- Employee is paid hourly or salaried
- An Employee's hours for work performed will be captured on the Certified Payroll of the Reporting Company that hired them.
- The Employer will report Prevailing Wage requirements on behalf of the (W2) Employee
- Labor Compliance reporting is not the responsibility of the Employee, but submitted through the Employer

### Independent Contractor

*To be classified as an Independent Contractor, the worker:*

- Also Known As the 1099 worker
- Receives a 1099 for taxes to be paid by the worker and not the employee
- Is paid based on contract
- Earned income with no withholding
- Expectation of annual payment to Federal & State Government
- The Independent Contractor prepares and reports workhours on a Certified Payroll for work performed
- All Labor Compliance requirements (e.g. AA,PW) are reported by the Independent Contractor as a registered contractor for the project

## Classifying an W2 Employee / Independent Contractor (1099)



### What is a Misclassified Worker?

- Misclassification occurs when workers are mislabeled as independent contractors vs regular employees.
- Misclassified Workers do not have legal protections of Wage and Hour laws, Unemployment, and Workers Comp
- Unemployment, Workers Comp, other legally required withholdings not taken out.
- Employer must repay all withholding, back taxes and penalties for misclassified workers.
- Misclassification is a form of tax evasion and may result in costly financial penalties



## Tax Responsibilities W2 Employee / Independent Contractor (1099)



### What are the differences in Withholding?

- For employers, determining the classification status of employees and clearly communicating this status is important for maintaining understanding between the parties and clarifying expectation in terms of taxation.
- Understanding the difference in tax payment accountability between a full time (W-2) and contract (1099) employee is important because the responsibility for withholding and paying taxes is different but the individual responsibility for payment is the same.
- The employee with a 1099 is entirely responsible for determining and withholding the appropriate amount from their pay, so that they can pay the state and federal government what they owe.



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