

New Jersey Economic Development Authority
Grant Application Instructions for Opportunity Zone Challenge Program

This grant opportunity is issued by the New Jersey Economic Development Authority (“Authority”, “EDA”) as the newly constituted Opportunity Zones Challenge (“Challenge”). The Challenge will seek to enhance community knowledge, skills and abilities in municipalities and counties who have a census tract designated as an Opportunity Zones - in order to boost community capacity in financial and technical planning around economic development and ensure maximized attraction and realization of Zone-based investments.

I. Background on Opportunity Zones

Designed as a new community investment tool to be delivered through federal tax policy, Opportunity Zones were created to encourage long-term investments in distressed urban and rural communities nationwide. The Zones provide an incentive for investors to re-invest their unrealized capital gains into dedicated Opportunity Funds. In order to access federal tax policy advantages, fund capital must be invested in Opportunity Zone businesses or real estate projects for a fixed time period in order to access the full tax benefit. Following a detailed and community-focused selection process, Governor Murphy nominated 169 Census tracts in 75 communities across all 21 New Jersey counties - which were approved by the Federal Department of the Treasury in 2018.

Opportunity Zone designations have, by their design, a great potential to focus the flow of capital and economic investment into communities that have historically faced economic challenges. This long-term scarcity of investment, combined with the pressing needs and strained capacities of local governments, has often led to diminished local abilities to develop and capitalize beneficial projects. With the advent of Opportunity Zones and the potential for historically high flows of previously unavailable capital, this lack of capacity to harness investment could lead many communities to lose out on real estate and business equity investments with the potential to create catalytic change. The goal for this grant is to encourage communities towards rebuilding this capacity – by developing community-specific plans that will frame their pursuit of Opportunity Zones-based investments.

II. The Opportunity Zones Challenge

The Opportunity Zones Challenge is designed to serve as an extension of Governor Murphy’s vision towards building a stronger and fairer New Jersey economy. As highlighted by the Governor’s 2018 economic development strategic plan titled “The State of Innovation”, these joint goals will require a focus on investment in two of the state’s greatest assets: communities and people. To this end, New Jersey seeks to assist communities in leveraging the powerful Opportunity Zones incentive to the best of their abilities.

Grant recipients will be tasked with the design and submission of a detailed, Opportunity Zones-focused strategic plan - which will be used to guide growth of economic development-focused on technical capacities in marketing, business development, financial analysis,

municipal planning and/or regulatory reform. Plans will then be implemented by the municipalities, counties, and designated partners - based upon their unique needs and targeted to where the community sees the potential for long-term, socially responsible Opportunity Zone investment.

The grant is open to the 75 New Jersey Opportunity Zone municipalities and 21 counties where at least one Opportunity Zone census tract, either in whole or in part, is located within the geographic boundaries. Applicants will designate Strategic Partners with whom they will be conducting their planning efforts. The purpose of these Strategic Partners is to leverage external expertise to best achieve the goals of the Opportunity Zone Challenge. Strategic Partners must also have an expressed interest in helping Opportunity Zone municipalities grow their capacity for investment.

EDA intends to award up to \$500,000, structured as individual grants of up to \$100,000 each, to the Municipality and/or County governments or Municipal Partnerships, whose applications achieve a requisite score by demonstrating how its program as detailed in the submitted strategic plan will catalyze the building of investment capacity in Opportunity Zones and help communities realize their goals for Opportunity Zone investments. These awards will help to position municipalities, counties and regional partnerships to augment their investment capacity and attract local Opportunity Zone project investment.

Proposals will be accepted up and until September 16, 2019 at 4:30 pm EDT. Proposals will then be reviewed for completeness and scored based on the criteria set forth in Section VII. Proposals with scores equal to or greater than 50 will be presented to the Board for review and award. Proposals will be presented to the Board in a ranked fashion where the highest score is ranked as 1. Rank will be listed in descending order based on score. Proposals with equally valued scores will be ranked based on the tie-breaker criteria listed in Section VIII. The proposals ranked as numbers 1-5 will be presented to the Board for consideration.

The expected date of the grant award will be October 2019.

The term of the grant shall be for a period of six (6) months. The six month term will begin on the date of the execution of the grant agreement by the Authority. Upon written request and at the sole discretion of the Authority, the grant term may be extended once (1) for a period of one (1) month.

III. Scope of Work

The Authority is seeking applications from New Jersey municipalities, counties, and municipal partnerships for funding towards the development of Opportunity Zone-focused strategic plans. These strategic plans, and their resulting action items, will serve to help communities with catalyzing Opportunity Zone project investments and building localized investment planning capacities. The use of grant funds must be based exclusively on building or enhancing investment capacity with and for a specific Opportunity Zone community in New Jersey.

Completed strategic plans will serve to help Opportunity Zone communities with the attraction and facilitation of Zone-based investments. The broader goal of this effort, to be achieved through the act of designing and producing these individual strategic plans, is to assist with building of localized civic capacity in marketing, program design, financial analysis, economic development, and/or other disciplines that will further help with actualizing the benefits of an Opportunity Zone designation.

Applicants are encouraged to leverage any pre-existing or uniquely relevant community expertise, as well as the knowledge, skills, and abilities of community stakeholders, Strategic Partners and local business stakeholders. Applicants may propose to hire or subcontract with outside experts and may consider any approach or combination of approaches to achieve the dual goals of catalyzing investment in local Opportunity Zones projects and building local capacity for investment.

Applicants must clearly articulate how their respective plans will position the municipality, county, or region to activate investment in Opportunity Zone projects and build local civic capacity to attract socially responsible investment. The plan proposals must clearly demonstrate a viable path to bringing ideas to implementation and show a collaborative stakeholder engagement process and strategy.

Applicants should identify any specific difficulties, challenges, or issues that have the potential to impede Opportunity Zone investment in their community and should explain how the proposed strategic plan to be produced as a result of this award would be used to identify or work toward a solution in that capacity gap.

In order to assist potential applicants, the EDA envisions strategic plans to fall among these general categories:

1) Financial or Marketing Plan/Prospectus

Plans intended to showcase to investors the advantages and benefits of Opportunity Zone real estate and/or business equity investment opportunities located within the Opportunity Zone municipality/county or partnership. The plans are the result of activities including, but not limited to: data planning, collation, collection, and/or analysis activities; leveraging of existing data sets and analysis from the NJ Department of Community Affairs; external Opportunity Zones-based research and analysis; development of documents or electronic media

Examples of projects may involve showcasing investment projects within a specific business sector in Opportunity Zones, including but not limited to the following:

- showcasing of benefits of construction or rehabilitation of commercial and mixed-use buildings for multi-tenant business development within an Opportunity Zone,
- showcasing opportunities for the development of multi-family, multi-rate housing within an Opportunity Zone,
- showcasing investment in entities that provide necessary services to a specific business sector,

- showing local business advantages to attract new manufacturing firms
- showcasing potential venture capital business investments
- showcasing funding of an industry specialized laboratory or research and development space located within an Opportunity Zone.

2) Real Estate Development Plan

Opportunity Zone-focused feasibility planning for the development of commercial or mixed-use projects, including multi-family, retail, office, hospitality, community, and industrial. Examples might include but are not limited to the following:

- planning for the ground up construction of local building projects within the Opportunity Zone or Zones
- planning for adaptive reuse of a vacant building or series of buildings within the Opportunity Zone or Zones
- plans for the construction or adaptive reuse of structures that promote new innovative housing solutions
- planning for the building or adaptive reuse of vacant buildings into mixed use, multi-tenant residential, industrial or other business development within an Opportunity Zone or Zones.

Projects may be stand-alone or distinct parts of a larger development within an Opportunity Zone.

3) Zoning, Code and Regulatory Reform Plan

Planning towards the modification (i.e. reform) of local and/or county zoning, codes, and regulations in order to promote streamlining customer experiences, reduction of costs involved in development processes and expedited process to encourage investment in Opportunity Zones. The plans will also focus on protecting local stakeholders, residents and ecosystems and concentrate on local investment goals.

4) Other

Any Opportunity Zone-focused planning efforts not specifically detailed above that would address the underlying planning and capacity-building goals of the Opportunity Zones Challenge. We welcome any new and innovative approaches to expanding capacity and economic development that do not fall directly into the categories above – particularly where geared towards any unique or novel challenges in a particular community.

IV. Eligible Respondents

Only a New Jersey municipal or county government or municipal partnership within whose geographic boundaries are located, in part or in whole, one (1) census tract designed as an Opportunity Zone as defined by 26 U.S. Code § 1400Z-1 which has nominated by the State of New Jersey and that nomination has been certified by the Secretary of the United States Treasury, is eligible to apply.

- **New Jersey municipal government** (an application submitted by a single municipality) –must contain, within its geographic boundaries, either wholly or partially, at least one (1) census tract designated as an Opportunity Zone.
- **New Jersey county government** (an application submitted by a single county government) must contain, within its geographic boundaries, either wholly or partially, at least one (1) census tract designated as an Opportunity Zone.
- **Municipal partnership** (two to five New Jersey municipalities partnering on an application). Each participating municipality must contain, within their geographic boundaries, either wholly or partially at least one (1) census tract designated as an Opportunity Zone.

In the case of a municipal partnership, the partnership must designate ONE lead municipality or county government who will have the following responsibilities:

- Serve as the sole entity under whose name the application will be submitted.
- Serve as the sole entity with whom the Authority would execute a grant agreement (in the event of an application approval).
- Serve as the sole entity receiving disbursements from the Authority per the terms of the grant agreement and distributing the disbursements among partners, as necessary, to execute the planning project.
- Serve as the sole entity responsible for meeting the deliverables of the contract.

A lead municipality or a county may only submit one application each as a lead municipality or county. Municipalities may be included as a partner in additional proposals where they play a non-lead role.

An application on behalf of a county does not preclude a municipality within that county from submitting its own application.

A proposal on behalf of a County or a Municipality does not preclude a Strategic Partner from submitting as part of a separate Municipal proposal or as part of a Municipal partnership proposal.

V. Strategic Partners

A municipality, county, or municipal partnership is required to enter into a formalized partnership agreement with a minimum of one (1) strategic partner. The purpose of these agreements is to leverage external expertise to best achieve the goals of the Opportunity Zone Challenge. For this reason, we would recommend that any Strategic Partnerships be very carefully considered – and that they be limited primarily to entities that are intended to perform substantive work towards completion of strategic planning efforts.

All Strategic Partnerships must be formalized *prior to application* in the form of a signed agreement, which can be conditional to a successful grant award, that outlines the roles and responsibilities of the parties, demonstrates collaboration in working towards building community capacity for economic development, and, if applicable, details any other resource commitments from the strategic partner to the application.

Strategic Partners may include, but are not limited to:

- Chambers of Commerce
- Business or Industry Advocacy Groups
- Non-profit organizations
- Foundations
- Community organizations
- Private businesses
- CDFI's or other non-profit economic development organizations
- Incubators and/or accelerators

There are no limits to the number of applications that a single strategic partner may be involved in (for example, a foundation may be a strategic partner for any number of applications submitted by individual municipalities), but the strategic partner must operate in accordance with the applicable compliance process of the lead municipality or county under which the strategic partner is selected, and the lead municipality or county will be responsible for collecting compliance documentation from the strategic partner in accordance with any applicable procurement processes.

VI. Technical Proposal

The Applicant shall describe its approach to undertaking a strategic planning project as outlined in **Section II – Scope of Work** by clearly explaining how the planning project will work to accomplish the Opportunity Zone Challenge goals.

As part of demonstrating understanding of the requirements of this application, and the ability to successfully complete all aspects of the planning project within the grant term, the application should contain, at a minimum, the required information identified below (as applicable):

- Completed Application Information Form (Attachment A), and any additional information related to the Scope of Work, not specifically requested on Attachment A, to be submitted with the Application.
- Completed Budget - the budget must demonstrate how the Applicant expects to utilize the full project budget. The budget must detail hard and soft costs which include but are not limited to labor costs, contract/technical services and support costs, material costs. The budget must project out that the final deliverable will be met within six (6) months of grant execution. The budget will be outlined in a fee schedule. (See Attachment B)
- Demonstration of the plan's ability to achieve the substantive planning goals of the Opportunity Zone Challenge, as outlined in Scope of Work.

- Demonstration of the project effort's ability to achieve one or more subsequent, capacity-building goals of the Opportunity Zone Challenge, as outlined in the Scope of Work.
- Demonstration of programming or policy design within the Proposal, regarding the reputation, capacity, and proposed level of commitment from the partnering entity(ies); benefits and practical advantages of the partnership(s).
- Demonstration in the strategic plan proposal on meeting Opportunity Zone community investment goals.
- Demonstration of business equity investment strategy within the strategic plan proposal.
- Demonstration of a defined collaborative stakeholder engagement process and strategy.
- Placement in the 2017 Municipal Revitalization Index Rank. - <https://www.nj.gov/dca/home/MuniRevitIndex.html>
- Signed letter from Mayor of the lead municipality; or the Director or Chair of the Board of Freeholders of the lead county, expressing support for the application. A lead municipality or county may only submit one application each, but an application on behalf of a county does not preclude a municipality within that county from submitting their own application.
- An outline of all Strategic Partnerships, including roles, responsibilities and resources contributed from partners – and the ways in which these partners will contribute to the project effort.
- Separate signed and executed partnership agreements between lead applicants and each of their Strategic Partners. As noted above, these may be executed contingent upon receipt of the grant awards, however these *must* be evidenced by formal agreement prior to application submission.
- Applicable to Municipal Partnerships: Documentation demonstrating partnership between municipalities on a municipal partnership application.
- If applicable, any examples or information reflecting prior experience of the lead municipality, county, or partners in executing planning projects of a similar size and scope.
- Information relating to organization and/or personnel that will work on the proposed planning, as well as any partners or subcontracted organizations or individual(s) that will conduct the proposed planning, including contact names and telephone numbers, evidence of the Proposer's qualifications, and capabilities to perform the services required by this application, resumes or bios for all key personnel who will or who are expected to perform the work outlined in the application. Any information specific to

personnel should emphasize relevant qualifications and experience of these individuals in successfully completing contracts of a similar size and scope, relative to the Scope of Work in this application.

VII. Disbursement

Grant disbursements by the Authority will *only* be made to the Lead Municipality/County. The Lead Municipality/County shall be responsible for assuring the compliance of any municipal, county, or Strategic Partners with all terms and conditions of this application - and assumes the sole and absolute responsibility for any payments due to any municipal, county, or Strategic Partners.

All Applicants who are successfully awarded Opportunity Zone Challenge grants will follow a uniform disbursement schedule. The Lead Municipality/County will receive 50% of the grant amount upon execution of grant agreement, 25% of the grant amount will be disbursed on or around the halfway point of the grant term upon EDA's receipt and approval of a progress report, and 25 % to be disbursed upon completion and submission of final plan.

At a minimum, the progress report referenced above should include:

- Summary of funds expended to date, and;
- Narrative detailing milestones achieved and overall progress toward completion of final plan.

A monthly call with the Designated Authority Project Manager and the Grantee's assigned Account Manager or Back-Up Account Manager will be held monthly for the first three months of the grant term, up until the halfway point of the grant term where the 25% disbursement is made. During and following that time, additional calls may be held on an as needed basis until the grant term has ended.

No additional compensation will be provided for participating in this call or for preparing and submitting the requisite reports. Responding firms should consider the costs associated with these activities when completing the budget as requested in section VII.

VIII. Evaluation/Scoring Criteria

Proposals will be evaluated by a cross-organizational Evaluation Committee composed of the Authority's staff, management, and possibly other state agencies/Department Subject Matter Experts (SME's) to evaluate, score and rank applications received in response to this Application, and the criteria established herein.

Proposals will be evaluated & scored on the criteria listed below (# 1 – 10), based on the information submitted in applications as set forth in Section VII - Technical Proposal.

It is the policy of the New Jersey Economic Development Authority that to be considered for award, a Proposer must achieve or exceed an overall score of fifty (50) with 80 being the highest rating. The Authority shall be under no obligation to make an award to a firm which does not achieve this minimum scoring threshold.

Evaluation Criteria 1 -

The point scale is as follows for:

- 0 points - Absence of ability to meet the criteria.
- 1 – 7 points – Minimal ability to meet the criteria.
- 8-11 points – Satisfactory ability to meet the criteria.
- 12-17 points – Exceptional ability to meet the criteria.
- 18-20 points - Unique ability to meet the criteria.

- 1) Evidence of the proposal to demonstrate the plan’s ability to achieve one or more capacity building goals of the Opportunity Zone Challenge, as outlined in the Scope of Work.

Evaluation Criteria 2 – 6 -

The point scale is as follows for:

- 0 points - Absence of ability to meet the criteria.
- 1 – 3 points – Minimal ability to meet the criteria.
- 4-6 points – Satisfactory ability to meet the criteria.
- 7-9 points – Exceptional ability to meet the criteria.
- 10 points - Unique ability to meet the criteria.

- 2) Strength of programming or policy design within the Proposal, regarding the reputation, capacity, and proposed level of commitment from the partnering entity(ies); benefits and practical advantages of the partnership(s).
- 3) Demonstrated ability within plan to increase municipal, regional and county governments knowledge and capacity to build investment growth.
- 4) Proposal’s emphasis on meeting Opportunity Zone community investment goals
- 5) Presence and strength of business equity investment strategy within the proposal.
- 6) Presence and strength of a defined collaborative stakeholder engagement process and strategy.

Evaluation Criteria 7 -

The Point scale is as follows:

10 points for Top 1-25 Rank

8 points for 26-40 Rank

6 Points for 41-60 Rank

4 Points for 61-99 Rank

2 Points for 100-150 Rank

1 point for 151 and above

- 7) 2017 Municipal Revitalization Index Rank. See Exhibit XYZ - <https://www.nj.gov/dca/home/MuniRevitIndex.html>

In the case of a single municipality, the municipality's rank as listed in the 2017 Municipal Revitalization Index ranking will be used as the ranking criteria for proposal evaluation

In the case of two or more municipalities, the 2017 Municipal Revitalization Index rankings for each participating municipality will be averaged to create a rank for the proposal evaluation criteria.

In the case of a county government, the 2017 Municipal Revitalization Index rankings for each Opportunity Zone municipality within the County will be averaged to create a rank for the proposal evaluation criteria.

The rank will be rounded to the nearest whole number in the event of a remainder.

If the remainder is equal to or greater than .5, the rounding will round up to the next whole number. Example: If the average score is 4.55, the score will round up to 5.

If the remainder is less than .5, the rounding will round down to the next whole number. Example: If the average score is 4.33, the score will round down to 4.

In the event of a tied score, the following will be used to break the tie. The first tie breaker will be determined by criteria 1. If a tie persists, the score listed in criteria 2 will be used to rank the proposal. If a tie still persists, the score listed in criteria 3 will be used to rank the proposal.

- 1) *Numerical rank used for scoring in Question 7 – Municipal Revitalization Index (1 = Highest Score, 565 = Lowest Score);*
- 2) *Highest score from Question 1 - Evidence of the proposal to demonstrate the plan's ability;*
- 3) *Highest score from Question 5-Presence and strength of business equity investment strategy within the proposal.*

IX. Questions & Answers

The Authority will electronically accept written questions and inquiries from all potential Applicant(s) via the web at: njozchallenge@njeda.com. Phone calls/faxes shall not be accepted.

The subject line of the e-mail should state:

“Questions –Opportunity Zone Challenge Program”

All Questions received, and Answers given in response to this Application will be answered in the form of a Frequently Asked Questions document to be posted and continually updated on the Authority’s website, www.njeda.com/NJOZChallenge.com, up until **September 16, 2019**

X. Application Submission

The Applicant must submit applications electronically, in PDF file format, to be viewable and "read only" by Authority evaluators using Adobe Acrobat Reader software. The electronic applications must be uploaded to the Authority’s ShareFile system.

Proposers should clearly label each electronically uploaded file (Application, Attachment Submittals, etc.) submission. Each uploaded file should be clearly labeled in the following way:

Proposing entity’s name (Municipality/County Submitting Application), and document name (i.e. “Attachment A- Application Information Form”).

The electronic application is automatically date/time stamped by the ShareFile software based on time of upload, and that date/time stamp will determine the order in which applications are reviewed.

XI. Other Terms and Conditions

Ownership of Material

All data, technical information, materials gathered, originated, developed, prepared, used or obtained in the performance of the grant agreement, including, but not limited to, all reports, surveys, plans, charts, literature, brochures, mailings, recordings (video and/or audio), pictures, drawings, analyses, graphic representations, software computer programs and accompanying documentation and print-outs, notes and memoranda, written procedures and documents, regardless of the state of completion, which are prepared for or are a result of the services required under this grant shall be and remain the property of the Authority and shall be delivered to the Authority upon thirty (30) Days’ notice by the Authority. With respect to software computer programs and/or source codes developed for the Authority, except those modifications or adaptations made to Proposer or Lead Municipality/County’s Background IP as defined below, the work shall be considered “work for hire”, i.e., the Authority, not the Lead Municipality/County or subcontractor, shall have full and complete ownership of all software computer programs and/or source codes developed. To the extent that any of such materials may

not, by operation of the law, be a work made for hire in accordance with the terms of this grant agreement, Lead Municipality/County or subcontractor hereby assigns to the Authority all right, title and interest in and to any such material, and the Authority shall have the right to obtain and hold in its own name and copyrights, registrations and any other proprietary rights that may be available.

Should the Applicant anticipate bringing pre-existing intellectual property into the project, the intellectual property must be identified in the application. Otherwise, the language in the first paragraph of this section prevails. If the Proposer identifies such intellectual property ("Background IP") in its application, then the Background IP owned by the Proposer on the date of the contract, as well as any modifications or adaptations thereto, remain the property of the Proposer. Upon contract award, the Proposer or Lead Municipality/County shall grant the Authority a nonexclusive, perpetual royalty free license to use any of the Proposer's/Lead Municipality/County's Background IP delivered to the Authority for the purposes contemplated by the contract.

Data Confidentiality

All financial, statistical, personnel, customer and/or technical data supplied by the Authority to the Lead Municipality/County are confidential (Authority Confidential Information). The Lead Municipality/County must secure all data from manipulation, sabotage, theft, or breach of confidentiality. The Lead Municipality/County is prohibited from releasing any financial, statistical, personnel, customer and/or technical data supplied by the Authority that is deemed confidential. Any use, sale, or offering of this data in any form by the Lead Municipality/County, or any individual or entity in the Lead Municipality/County's charge or employ, will be considered a violation of this Contract, and may result in Contract termination and the Lead Municipality/County's suspension or debarment from Authority contracting. In addition, such conduct may be reported to the State Attorney General for possible criminal prosecution.

The Lead Municipality/County shall assume total financial liability incurred by the Contractor associated with any breach of confidentiality.

When requested, the Lead Municipality/County and all project staff including its subcontractor(s) must complete and sign confidentiality and non-disclosure agreements provided by the Authority. The Lead Municipality/County may be required to view yearly security awareness and confidentiality training modules provided by the Authority. Where required, it shall be the Lead Municipality/County's responsibility to ensure that any new staff sign the confidentiality agreement and complete the security awareness and confidentiality training modules within one month of the employees' start date.

The Authority reserves the right to obtain or require the Lead Municipality/County to obtain at the Lead Municipality/County's expense, criminal history background checks from the New Jersey State Police for all Lead Municipality/County and project staff (to protect the Authority from losses resulting from contractor employee theft, fraud, or dishonesty). If the Authority exercises this right, the results of the background check(s) must be made available to the

Authority for consideration before the employee is assigned to work on the Authority's project. Prospective employees with positive criminal backgrounds for cyber-crimes will not be approved to work on Authority Projects. Refer to the National Institute of Standards and Technology (NIST) Special Publication (SP) 800-12, An Introduction to Computer Security: The NIST Handbook, Section 10.1.3, Filling the Position – Screening and Selecting.

News Releases & Advertising

The Lead Municipality/County is not permitted to issue news releases pertaining to any aspect of the services being provided under this contract without the prior written consent of the Authority. Joint news releases issued by the Lead Municipality/County and the Authority are welcomed and can be coordinated with the Authority's Communications staff.

The Lead Municipality/County shall not use the Authority's name, logos, images, or any data or results arising from this contract as a part of any commercial advertising without first obtaining the prior written consent of the Authority.

Licenses and Permits

The Lead Municipality/County shall obtain and maintain in full force and effect all required licenses, permits, and authorizations necessary to perform this contract. The Lead Municipality/County shall supply the Authority with evidence of all such licenses, permits and authorizations. This evidence shall be submitted subsequent to the contract award. All costs associated with any such licenses, permits and authorizations must be considered by the Proposer in its application.

Claims and Remedies

Claims

All claims asserted against the Authority shall be subject to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq., and/or the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1, et seq.

Remedies

Nothing in the contract shall be construed to be a waiver by the Authority of any warranty, expressed or implied, of any remedy at law or equity, except as specifically and expressly stated in a writing executed by the Authority Designated Representative.

Remedies for Failure to Comply with Material Contract Requirements

In the event that the Lead Municipality/County fails to comply with any material contract requirements, the Authority may take steps to terminate the contract in accordance with the Authority's Contract For Professional Services Authority's Standard Contract, Exhibit A, authorize the delivery of contract items by any available means, with the difference between the

price paid and the defaulting contractor's price either being deducted from any monies due the defaulting contractor or being an obligation owed the Authority by the defaulting contractor, or take any other action or seek any other remedies available at law or in equity.

Proposer Responsibility

The Proposer assumes sole responsibility for the complete effort required in submitting an application in response to this Application. No special consideration will be given after applications are opened because of a Proposer's failure to be knowledgeable with all the requirements of this Application.

Cost Liability

The Authority assumes no responsibility and bears no liability for costs incurred by a Proposer in the preparation and submittal of an application in response to this Application.

Open Public Records Act - Contents of Application

Respondents should be aware that responses to this Application will be available, upon request, for public inspection. The Authority, as an instrumentality of the State of New Jersey, is subject to the "New Jersey Open Public Records Act" (N.J.S.A. 47:1A-1 et seq.), as amended and including all applicable regulations and policies and applicable case law, including the New Jersey Right-to-Know law.

Subsequent to the application submission opening, all information submitted by Proposer in response to an application is considered public information, notwithstanding any disclaimers to the contrary submitted by a bidder, except as may be exempted from public disclosure by OPRA and the common law.

Any proprietary and/or confidential information in your application will be redacted by the Authority. A bidder may designate specific information as not subject to disclosure pursuant to the exceptions to OPRA found at N.J.S.A. 47:1A-1.1, when the Proposer has a good faith legal and/or factual basis for such assertion. The Authority reserves the right to make the determination as to what is proprietary or confidential and will advise the Proposer accordingly. The location in the application of any such designation should be clearly stated in a cover letter. The Authority will not honor any attempt by a Proposer to designate its entire application as proprietary, confidential and/or to claim copyright protection for its entire application. In the event of any challenge to the Proposer's assertion of confidentiality with which the Authority does not concur, the Proposer shall be solely responsible for defending its designation.

Joint Venture

The Authority will NOT consider applications submitted by joint ventures, in the performance of the Work for this Application. As discussed in Section III, partnerships between governmental entities are permitted, however an application by such partnerships must be submitted by the designated lead governmental entity only.

Proposers shall note that any and all reference to “joint venture(s)”, “joint venture partner(s) / “joint venture partnership(s)” in any documents included as a part of the Application specifications, exhibits or attachments shall be read as though the words are stricken and removed.

Conflict of Interest

Proposer must indicate and detail any Conflict of Interest that exists with either their personnel or any sub-contracting personnel being utilized for these services. Such conflicts include a direct, familial, or personal monetary interest or any previous or existing personal/professional relationships with the Authority and any personnel assigned to work on the Authority’s account, regarding these requisite services.

If such a Conflict of Interest exists with any vendor personnel or any sub-contracting personnel being utilized for these services, the firm must disclose such possible conflicts in the Application. Should a conflict(s) be found to exist, whether real or perceived, the Authority, in its sole discretion, shall determine whether it is a conflict(s) and the individual(s) involved are to be immediately removed.

Application Acceptances and Rejections

The Authority’s staff reserves the right to reject any and all applications, if deemed to be in the best interest of the Authority, to request redefined applications from any entity responding to this Application, to schedule interviews with no Applicants, all Applicants, or only the most highly qualified Applicants, as determined by the Authority; or to request clarifications of any portion of the application received. Further, the Authority’s staff reserves the right, at its sole discretion, to waive minor elements of non-compliance of any entity’s application, regarding the requirements outlined in this Application. The Authority retains the discretion to modify, expand or delete any portion of this Application or terminate this Application process at any time.

XII. Authority's Designated Project Manager's Responsibilities

The Authority's Designated Project Manager will be responsible for engaging the Grantee, directing the Grantee to perform the work of the contract, approving the deliverables and approving payment vouchers. The Authority's Designated Project Manager is the person that the Grantee will contact after the grant agreement is executed for answers to any questions and concerns about any aspect of the contract. The Authority's Designated Project Manager is responsible for coordinating the use of the grant agreement and resolving minor disputes between the Grantee and any component part of the Authority's Designated Project Manager's Department.