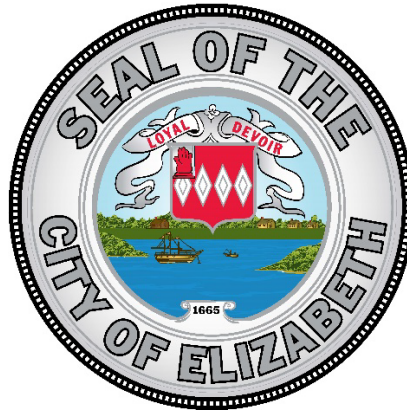


REQUEST FOR PROPOSAL
(RFP)

**KAPKOWSKI ROAD CORRIDOR
IMPROVEMENTS PROJECT**

LOCAL PRELIMINARY ENGINEERING



CITY OF ELIZABETH
KAPKOWSKI ROAD CORRIDOR
IMPROVEMENTS PROJECT
LOCAL PRELIMINARY ENGINEERING
REQUEST FOR PROPOSAL (RFP)

It is the intent of this Request for Proposal and contract conditions contained herein to establish to the greatest possible extent complete clarity regarding the requirements of both parties to the agreement resulting from this Request for Proposal.

Date of Request for Proposal (RFP): **Wednesday, April 19, 2023**

Time and Place of Request for Proposal Due: **2:00 PM**

City of Elizabeth
Department of Public Works
Third Floor, Room 308
50 Winfield Scott Plaza
Elizabeth, NJ 07201
Phone: (908) 820-4101
Fax: (908) 820-4011

Number of Proposals: **One (1) Original and**
One (1) Digital Copy

One (1) original and one (1) digital copy of RFP should be delivered no later than **Wednesday, April 19, 2023**, by **2:00 PM** local time at the address mentioned in the RFP package. The City of Elizabeth, Department of Public Works reserves the right to reject any and all RFP responses, and make the award based on the best interest of the City of Elizabeth. All comments and /or questions regarding the RFP's should be addressed in writing no later than **Wednesday, April 5, 2023**, by **4:00 PM** to:

Daniel J. Loomis, PE
Email: dloomis@elizabethnj.org
Fax: (908) 820-4087
City of Elizabeth
Department of Public Works
Division of Engineering
50 Winfield Scott Plaza
Elizabeth, New Jersey 07201

CITY OF ELIZABETH
KAPKOWSKI ROAD CORRIDOR
IMPROVEMENTS PROJECT
LOCAL PRELIMINARY ENGINEERING
REQUEST FOR PROPOSAL (RFP)

Dear Consultant:

In order to assess your firm's or team ability to provide necessary services for this project, an outline of required elements has been established for this RFP. Consultant selection will be based primarily on qualifications of the firm and key staff assigned to this project and the firm's understanding of the purposes and goals of the project. The following criteria outlines the elements and format to be included in the submission of the technical proposal by which your firm or team will be evaluated. Consultants whose proposals deviate from these instructions may be considered non-responsive and may be disqualified at the discretion of the City of Elizabeth.

Preparation of Proposal Packages:

THE CITY OF ELIZABETH RESERVES THE RIGHT TO INVESTIGATE ANY OR ALL QUALIFICATION CLAIMS MADE BY ANY OR ALL CONSULTANTS HEREIN THE PROPOSAL.

ALL PROPOSALS MUST BE MADE UPON THE CONTENT INCLUDED HEREIN. THE ENTIRE SCOPE OF WORK, WITH ALL ENTRIES COMPLETED, MUST BE SUBMITTED WITH THE PROPOSAL, INCLUDING ANY ADDENDUM TO THE SCOPE OF WORK, CORPORATE DISCLOSURE STATEMENT AND DBE REQUIREMENTS.

EACH CONSULTANT MUST SUBMIT AN ORIGINAL PROPOSAL AND ADDITIONAL COPIES AS REQUIRED. THE CONSULTANT SHALL SIGN THE PROPOSAL CORRECTLY USING THE SIGNATURE PAGE PROVIDED IN THE RFP.

ALL AWARDS ARE SUBJECT TO APPROVAL BY THE MUNICIPAL COUNCIL OF THE CITY OF ELIZABETH.

NOTE: Prior to negotiations, the prime consultant, and each sub-consultant (A/E firm) must be approved by NJDOT for Cost Basis. Please visit:

<http://www.state.nj.us/transportation/business/procurement/ProfServ/CostBasisApprov.shtm>

for additional guidance and requirements.

This project involves Federal funding participation. The City of Elizabeth will conform to the procurement requirements by “Competitive Proposal Method” under the Brooks Act and Federal Policy Guide 23 CFR 172A. The selection of a consultant must result from negotiations that utilize a qualification based selection process. The process and any resulting contract must first be reviewed by the Department of Transportation prior to use or execution.

Organize qualification packages into the following parts:

- Executive Summary
- Company’s Background
- Company’s understanding and qualification to perform Scope of Services
- Company’s vision for Kapkowski Road Corridor Improvements Project
- Company’s Project Management Plan and Schedule
- Company’s Organization and Key Staff
- DBE Compliance
- Additional Information
- Team Qualifications
- Subconsultant Commitment
- Resumes of Key Staff
- Reference with similar projects
- Signature Page
- Required Forms and Checklist

Award of Contract

Award of contract will be made to one proposer whose Proposal is judged to be the most favorable.

The City of Elizabeth reserves the right to reject any or all Proposals or parts thereof. The City of Elizabeth further reserves the right to waive technicalities and formalities in the Proposal where it is deemed advisable in protection of the best interest of the City of Elizabeth. The City of Elizabeth reserves the right to inspect the **proposer’s facilities** prior to award of a contract. The City of Elizabeth reserves the right to interpret all Requests for Proposals and waive any ambiguities therein to its best interest.

Response Format

In order to facilitate the analysis of responses to this RFP, design proposers are required to prepare their Proposals in accordance with the instructions outlined in this section. Proposers whose Proposals deviate from these instructions may be considered non-responsive and may be disqualified at the discretion of the City of Elizabeth.

Proposals are to be prepared on left side bound 8½” x 11” white paper. Proposals should be prepared as simply as possible and provide a straightforward without sacrificing

necessary content, concise description of the proposer's capabilities to satisfy the requirements of this RFP. Emphasis should be concentrated on accuracy, completeness, and clarity of content. All parts, pages, and tables should be numbered and clearly labeled.

Proposals shall be considered valid for the period of time it takes to negotiate an agreement and execute a contract with the successful firm. The City of Elizabeth will not reimburse respondents for expenses incurred in responding to this RFP. The Proposals shall be organized into the following areas:

Executive Summary

The Executive Summary (one page) should state key highlights of the Consultant's Proposal, the company reputation, deliverables, and competitive advantages. The summary should contain as little technical jargon as possible, and should be oriented toward non-technical personnel. The Executive Summary shall not include cost quotations.

Company Background

Each proposer must provide the following information about their company to allow evaluation of the stability and ability to support the commitments set forth in response to the RFP. The proposer should outline their company's background, including:

1. A brief description of the company, including past history, present status, future plans, etc.
2. How long the company has been in business and name successful projects completed
3. Company size and organization
4. Address of the office where the work will be performed
5. The Firm's experience in traffic signal and roadway design projects and similar type of projects.

Project Understanding

Include a discussion of the work to be accomplished and products to be delivered on tasks and subtasks to the attached Scope of Services. Special requirements and unique circumstances should be discussed.

Team Qualifications

The qualifications of your team or key personnel should be presented to show how your firm would be the best to complete the project. Your approach to the project and the methodology to be used should be presented in some details to show that it would be appropriate for this project.

Scope of Services

Describe how the consultant team proposes to complete the work. Address methodologies, techniques, and processes that will be used. Include any unique concepts and innovations that the team might be employing. Show levels of efforts, proposed assignments and relevant experience of the project core staff. The scope of services should address the following activities:

- Project Management
- Community Outreach
- Preliminary Engineering, Survey Base Mapping and Existing Right-Of -Way
- Right of Way Documents and Access Plan
- Drainage Management, Hydrology and Hydraulics
- Permits
- Environmental Documentation
- Utilities
- Geometrics and Roadway
- Structures
- Geotechnical Services
- Traffic Signal and Safety Engineering
- Construction
- Technical and Administrative Activities

Vision of Project

Proposer's analysis of the needs detailed in the RFP and proposed actions are thorough and demonstrate proposer's ability to evaluate data and develop a reasonable response. Methods/Procedures proposed are comprehensive and offer multiple options.

Alternatives offered that enhance the program, simplify the process, or in other ways benefit the City of Elizabeth. Unique or unorthodox procedures meet/exceed the minimum scope outlined in the RFP; the proposer incorporated those procedures into the scope of work detailed in their proposal.

Project Management Plan

Submit a plan with regard to management of technical efforts, the consultant's communication with the City of Elizabeth, internal communication, cost management and control, schedule management, quality assurance and quality control, and other necessary plans.

If sub-consultants are involved, clearly set forth what work will be assigned to whom, who will have the management authority, and lines of communication and coordination.

Schedule

Provide a timetable indicating the schedule of standard or scheduled services provided. i.e. daily, weekly, monthly, semi-annual and annual tasks. Acknowledge milestones and delivery of reports, drafts and final document. Where consultant suggests that timelines are unreasonable, recommended timetable alternatives or outline of modified services are responsible, ensures professional performance of services and completion of tasks within fixed timeframes.

Organization Chart and Key Staff

Submit a detailed organizational chart that illustrates the detailed hierarchical reporting structure of the Consultant's organization as it will exist and be utilized for work. Include all key staff that will have major productive roles and responsibilities. Identify project manager/principal-in-charge and other key staff, listing specific responsibilities for each.

Sub-Consultant Commitment

If the Proposal includes sub-consultants, provide a clear statement of commitment from each proposed sub-consultant to the prime proposer. The commitment shall include a definitive statement of the services to be performed by the sub-consultant. Firms must be NJDOT approved.

Disadvantage Business Enterprise (DBE) Compliance

The proposer shall submit information regarding DBE participation for the project and describe how the goal of a minimum of 13.23% on this project will be accomplished. DBE firms must be NJDOT approved.

Cost Quotations

The cost Request for Proposal should be in a separate, sealed envelope rather than to be part of the technical Request for Proposal document.

This project is federally funded and requires that consultant contracts be compliant with 48 CFR 31 – Contract Cost Principles under the Federal Acquisition Regulations (FAR). This federally funded project has NJDOT oversight, and to ensure the consultant contract is compliant with FAR cost principles when using federal-aid funds, only NJDOT approved overhead rates will be used. Consultants that do not have approved NJDOT overhead rates must be approved in accordance with NJDOT Procurement policies and procedures. The NJDOT approved overhead rate will be used for the purpose of estimating, negotiating, and making payment on the contract.

Allowable costs include those directly associated with the specific contract as well as overhead costs, also known as their indirect cost rate. The method of payment for this project will be Cost plus fixed fee which reimburses the Consultant for its direct labor cost,

NJDOT approved overhead, and allowable direct expenses in addition to a negotiated amount as a fixed fee. The project cost and work hour proposal for the project, on a per task/submission basis, will be utilized to establish an overall contract fee ceiling. The actual fee per task may vary from the estimated fee, however, the total contract fee ceiling amount will not be exceeded. The estimated cost and work hour per task for submissions will be utilized towards the project status and invoice review.

The Project Cost and Work Hour Proposal Form (see sample) shall specify the Maximum Direct Hourly Wage Rate for each title classification and ASCE grade level for the project. The Project Cost and Work Hour Proposal Form will indicate the “estimated” number of man-hours and the not to exceed direct hourly wage rate for each title classification and ASCE grade level which will be used to establish the estimated cost per task /submission and the overall contract fee ceiling. However, billing and compensation will be based on the actual number of man-hours expended per task/submission per billing period and the actual direct hourly wage rate for each Consultant staff performing the task /submission. Direct hourly wage rate shall not exceed the Maximum Direct Hourly Wage Rate per title classification and/or ASCE grade in the Project Cost and Work Hour Proposal through the project duration.

Periodic payments will be made during the course of work, based on progress reports submitted by the Consultant and reviewed by the City of Elizabeth Engineer. Invoices and progress reports shall be prepared in accordance with the approved City of Elizabeth format which will be provided at the project kick-off meeting. The progress report shall include actual project tasks /submission and their related percentage of the overall project, as contained in the original Consultant’s proposal.

Payment will only be made after the work is completed and found to be satisfactory for its intended use per submission. Payment will be made upon approval of vouchers submitted in accordance with the requirements of the City of Elizabeth’s Professional Services Agreement and subject to federal cost principles. The periodic payments will not exceed the submission percentage prior to the City of Elizabeth’s approval of the submission.

Notwithstanding this provision (or any other terms of this contract), the City of Elizabeth reserves the right to issue an immediate stop work order notice to the Consultant upon receipt of the same from the state and/or federal authorities. No payment for work, expenses or costs after the date of the stop work order notice will be paid by the City of Elizabeth (including non-cancelable costs) unless the City of Elizabeth receives the same from the state and/or federal cost principles.

The City of Elizabeth is not liable for any cost incurred by Proposer in the preparation of proposals or for any work performed prior to the approval of an executed contract.

As a condition of engagement by the City of Elizabeth, the Consultant will be required to execute a Professional Services Agreement with the City of Elizabeth. A sample of this agreement is included in this package.

Contract Terms and Conditions

The consultant must state any exceptions to the conditions listed in this RFP and include on the Signature Page. This section is intended to be a foundation for the development of the contract to be awarded as a result of this RFP.

Procedure

Upon receipt of the proposals, the City of Elizabeth will provide each proposal to a Technical Evaluation Committee, which includes representatives from North Jersey Transportation Planning Authority (NJTPA), the NJDOT and the City of Elizabeth. Each individual on the committee will review, evaluate and rate the proposal based on quality and substance of the information provided, the quality of staffing and familiarity with the type of work and location of the company. **As mandated by the FHWA and NJDOT, the cost proposal will be opened for the highest ranked firm.** A contact person should be designated by the firm to direct any questions that the City of Elizabeth might have. All firms submitting a qualified proposal will be notified of the results of the review.

Successful applicants are responsible for complying with all applicable laws and regulations including the National Environmental Policy Act (NEPA) and Environmental Impact Act (23 CFR Part 771).

If a joint venture, partnership or other formal organization is submitting a RFP, each participant shall execute this Letter of Intent.

Project Description

The City of Elizabeth, in cooperation with the NJTPA, the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New Jersey Department of Transportation (NJDOT) is proposing traffic signal and roadway improvements to five (5) existing antiquated signalized intersections to current MUTCD standards in the City of Elizabeth. The intersections include the following locations:

- North Avenue East / Dowd Avenue / Division Street Intersection;
- Veterans Memorial Drive / Trumbull Street / Third Street Intersection;
- Division Street / Trumbull Street Intersection, and Underpass Road Lowering;
- Trumbull Street / Dowd Avenue Intersection;
- and North Avenue East /Kapkowski Road Intersection.

This project is to improve visibility of motorists, reposition traffic and pedestrian signals to more appropriate locations by installing new traffic signal poles and mast arms, installing video detection and CCTV on the mast arms, upgrade pedestrian signals to count down type push button activation, upgrade the signals to Light Emitting Diodes (LED), replace the existing traffic signal controllers and cabinets, install public sidewalk curb ramps with detectable warning surfaces where possible, add mast-arm mounted LED street name signs, replace the existing regulatory signs with signs conforming to the MUTCD

Manual, improve drainage, curbing, sidewalks, roadway subbase, repaving, and restripe the crosswalks, stop bars and roadway center lines. The project also includes the lowering of the roadway under the Central Railroad bridge at the Division Street / Trumbull Street intersection to allow for a 14'-6" clearance. The current clearance is 12'-6". The improved clearance will eliminate a bottleneck and allow trucks to safely navigate this important area and avoid detours into residential neighborhoods. The underpass has a history of being struck by trucks. **Prospective respondents are expected to review all documents, plans and studies.**

Project Background

The Kapkowski Road Corridor is an area of the City of Elizabeth adjacent to the Elizabeth Marine Terminal, The Mills at Jersey Gardens and numerous commercial distribution centers that experience heavy volumes of truck, car and pedestrian traffic within an antiquated network of signalized intersections and a low bridge that creates commercial vehicle restrictions and public safety issues. The City of Elizabeth has identified five strategic locations where key improvements need to be analyzed to alleviate traffic congestion in the Kapkowski Road Corridor. These locations include:

1. North Avenue East/Dowd Avenue/Division Street
2. Veterans Memorial Drive/Trumbull Street/Third Street,
3. Division Street/Trumbull Street and the Underpass Road Lowering,
4. Trumbull Street and Dowd Avenue, and
5. North Avenue East/Kapkowski Road/Ikea Drive.

A project location map is shown below in Figure 1.



Figure 1 Project Location Map

The City of Elizabeth strives to ensure that the following goals are met:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety of the transportation system for motorized and non-motorized users;
- Increase the security of the transportation system for motorized and non-motorized users;
- Increase accessibility and mobility of people and freight;
- Protect and enhance the environment,
- Promote energy conservation,
- Promote consistency between transportation improvements and state and local planned growth and economic development patterns;
- Promote efficient system management and operation; and
- Emphasize the preservation of the existing transportation system.

The purpose of this project is to improve traffic safety and operations at five intersections and improve roadway vertical clearance under a CSX railroad bridge on Division Street within the Kapkowski Road Corridor. The project also proposes the following improvements as identified by the City of Elizabeth:

- Provide traffic signal upgrades and signal timing phasing at all intersections,
- Improve traffic flow with roadway improvements including pavement resurfacing, drainage and roadway lighting,
- Improve pedestrian safety through the addition of ADA accessible curb ramps and sidewalks,
- Eliminate controlling substandard design features within project limits; including the CSX railroad vertical clearance over Division Street, and
- Improve roadway protection at bridge piers.

It is the intent of this project to fulfill the purpose and address the needs while meeting the following goals.:

- Minimize property acquisitions;
- Avoid, minimize, or mitigate hydrologic, hydraulic, and environmental impacts;
- Develop a staging scheme that minimizes delays to the public.

The project should correct the appropriate controlling substandard design elements that provide the maximum value to the traveling public and environment. The design should also provide for the future possibility of correcting additional appropriate substandard roadway design elements that were beyond the scope of the Concept Development.

Proposed Improvements

Preliminary Preferred Alternative

The Preliminary Preferred Alternative (PPA) was selected based on input from the City of Elizabeth and comments received from CSX, NJDOT Local Aid and the Port Authority of New York and New Jersey (PANYNJ). The PPA for each location is listed below.

North Avenue East/ Dowd Avenue/ Division Street

Alternative 2 was selected after considering pedestrian and traffic improvements. This alternative provides an increased level of service throughout the intersection while also providing accessibility to pedestrians by the addition of the ADA curb ramps and new sidewalk to McDonalds and along Dowd Avenue. This alternative also brings the curb radii at the slip ramp up to standard. No Right of Way impacts are anticipated for this alternative.

Veterans Memorial Drive/ Trumbull Street/Third Street

Alternative 2 was selected as the PPA. It provides updated signal timing for improved roadway service and the addition of ADA curb ramps and sidewalk for pedestrian access. Additionally, lane configuration at Veterans Memorial SB will be revised, as well as Third Street will be widened by two feet to include a north bound left turn lane.

Division Street/ Trumbull Street and the Underpass Road Lowering

Alternative 2 was selected as the PPA. It provides updated signal timing for improved roadway service and the addition of ADA curb ramps and sidewalk for pedestrian access. Profile Alternative 3 was selected for the Division Street lowering. This 20-mph design speed requires the least amount of roadway lowering of the Division Street/East Grand Street intersection, provides the minimum vertical clearance per current design standards and will not require any design exceptions.

Trumbull Street and Dowd Avenue

Alternative 3 was selected as the PPA. It provides updated signal timing for improved roadway service and the addition of ADA curb ramps and sidewalk for pedestrian access along the south side of New Point Road. Crash attenuators will be added at the median bridge piers for improved protection. Guide rails will also be added at the bridge piers. Fourth Street northbound approach will be revised with a left turn lane and through/right turn lane.

North Avenue East/ Kapkowski Road/ Ikea Drive

Alternative 2 was selected as the preliminary preferred alternative. The pedestrian crossing on the east side provides access to Ikea Drive while maintaining pedestrian safety. Signal timing will be updated to improve traffic and pedestrian countdown signals will be added.

For additional details on each location, please refer to the Kapkowski Road Corridor Improvements Project Concept Development Report Prepared by WSP USA and dated August 2022. The report is available on the City of Elizabeth website at the following address: <https://www.elizabethnj.org/619/Kapkowski-Road-Corridor-Improvement-Proj>

SCOPE OF SERVICES

The scope of work (SOW) outlined below contains the required elements to successfully complete the Local Preliminary Engineering (LPE) Phase to be eligible to receive federal funding for Final Design (FD) and construction. The Consultant is reminded to thoroughly review the LCD report including the PPA and the NJDOT PE Scope Statement and any other available information at the City of Elizabeth Engineer's Office, as well as to determine the adequacy of the said information to be utilized for this project. The Consultant is required to utilize the available information for the proposal and the project to the greatest extent possible. Any additional work deemed necessary by the Consultant to verify and/or supplement the existing report(s) and plans beyond those described in the SOW contained herein must be identified, justified and the scope of additional work clearly detailed in the proposal. Additional civil, structural, environmental, construction services or other analyses/design/tasks beyond that described in this SOW, but which the Consultant believes are necessary to complete this project, must be approved prior to the acceptance of the Consultant's final proposal.

The Consultant shall re-evaluate the PPA in view of the new development(s) proposed within the project limits and determine if any additional modifications to the PPA are required to accommodate the proposed development based on the proposed offsite improvements proposed by the developer and approved by the City of Elizabeth (if applicable). The Consultant shall provide all labor and materials necessary to document the development.

All deliverables must be submitted first in draft form, and then revised based on comments received from City of Elizabeth project manager. Following revisions, up to five (5) hardcopies and one (1) digital copy of final documents shall be submitted.

All final project deliverables shall be submitted in electronic format (electronic file transfer or flash drive). Memorandum and reports shall be submitted to City of Elizabeth in both PDF format and editable format (i.e Microsoft Word for text; Microsoft Excel for graphs and tables; or Microsoft PowerPoint for graphics; as applicable). All GIS datasets and CADD files should be consistent with City of Elizabeth's requirements.

The Consultant shall be responsible for establishing contacts and coordinating the design with other owners/agencies whose facilities or operations have an impact upon or will be impacted by, or are adjacent to the project, in order to obtain their consent, requirements or concerns. Construction specifications for this project shall be the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (2019 Edition) and the most current NJDOT Supplemental Specifications for Federal Aid Projects.

The design of the project shall conform to the previous phase's LCD Preliminary Preferred Alternative and as approved by the FHWA/NJDOT. The scope of work shall include, but not be limited to, the items listed below. These activities are to be considered a starting

point for the consultant to configure their proposals and the consultant is encouraged to develop their proposal in a manner most appropriate to effectively accomplish the stated goals of the project and produce quality deliverables. Note that although these activities are presented below in sequential order, the Consultant might find it beneficial to conduct work on different activities in parallel, budgets should be detailed for each specific activity.

At the request of the IRC, the proposal shall be structured as a two (2) phase project. Phase 1 shall be the Division Street/ Trumbull Street and the Underpass Road Lowering location due to the potential for utility conflicts and delays in getting railroad approvals. Phase 2 shall consist of the other four (4) intersections/locations which should be able to move to Final Design more expeditiously. The work for both phases shall commence concurrently and some tasks will be common to both; however, the Consultant shall approach Preliminary Engineering as though they are two (2) independent projects.

A. Project Management

This shall include performing project management duties and responsibilities necessary to advance the project through LPE, and in accordance with the Local Project Delivery Guide (LPDG) process. The LPDG process is available on NJTPA's website. Work effort associated with this task shall include budgeting, scheduling, reporting, meetings coordination and reviews.

The Consultant shall establish an effective means of coordinating and reporting its activities with the City of Elizabeth, NJTPA and NJDOT throughout the course of the project to ensure an expeditious exchange of information. The consultant must also coordinate and report all activities to NJDOT Division of Environmental Resources and NJDOT Local Aid (NJDOT LA). A detailed project schedule shall be submitted at the kick off meeting for review and approval, and reviewed regularly during the course of the project.

Administrative activities shall include the preparation and filing of all project correspondences, memorandums, meeting minutes, transmittals etc. in both hard and electronic media.

Develop and maintain a project schedule for the project duration which shall identify all project milestones. Task duration shall be shown in numbers of weeks. The project schedule shall be distributed on a quarterly basis. The Consultant will identify and provide justification for deviations from the standing project schedule or budget.

Quality Assurance and Quality Control Plans

The consultant shall develop and submit in the technical proposal a quality assurance and quality control plan which is to be used to achieve and sustain a high standard of performance by consultant personnel. The plan shall include quality control organization, employee responsibilities, and specific procedures that are to be followed to insure the quality of the product.

Progress Meetings and Agency Coordination

The consultant shall be responsible for coordinating all project meetings, and prepare and distribute all meeting agendas including handouts if applicable, and minutes. All design related and decision making actions shall be noted in the Design Communication Report (DCR), as further described below. The number of meetings will vary and shall be reflected in the Consultant's technical proposal, for review and approval by the NJTPA, NJDOT and City of Elizabeth. These meetings may include the following:

- Local Official Meetings
- Status Meetings
- Monthly Conference Call
- Quarterly sit-down meetings
- Stakeholder Meetings (Regulatory Agencies, Interest Groups, etc.)
- Public meetings with local town Councils and Commissions, if deemed necessary

The Consultant is responsible for the preparation of any necessary displays, presentations, handouts for these meetings. The consultant shall also be responsible for documentation of all such meetings and will forward copies of said documentation to the City of Elizabeth.

Monthly Invoicing/Progress Reports

Monthly progress reports shall be submitted to the City of Elizabeth summarizing the progress on the various tasks/subtasks. The reports shall depict the percentage of work finished and the amount of funds and man hours expended for each task. Included in the monthly report will be a detailed narrative of work performed that period, if the project is on-schedule or identifying and justifying schedule slippages, and an updated project schedule. The reports shall also include the breakdown of the work performed by DBE firms with the completion of NJDOT- Monthly Utilization Form.

Federal Requirements

Federally funded projects are required to follow the federal process. It will be the responsibility of the consultant to be up to date on all federally required reporting procedures and forms and to submit the requirements on time until the contract close out.

Interagency Review Meetings

The Interagency Review Committee (IRC) is comprised of representatives from NJTPA, NJDOT-LA, NJDOT-BEPR, and subject matter experts (SMEs) to determine whether or not the Section 4(f) and 106 Documents have incorporated the necessary documentation to support the adverse effects. An IRC meeting will be scheduled by the NJTPA after the approved Memorandum of Agreement (MOA) and the completion of the environmental documents. The Consultant shall coordinate with the IRC regarding the meeting agenda topics and objectives. A minimum of two meetings to be scheduled with the IRC.

Design Communication Report (DCR)

The Consultant shall maintain a Design Communication Report (DCR) throughout the LPE Phase consistent with NJDOT guidelines. The DCR shall provide a record of all relevant communication, decisions, agreements and approvals that occur between the Consultant,

City of Elizabeth, IRC and stakeholders. The Consultant shall clearly outline in their Proposal the methods and procedures for maintaining the DCR.

Work Tasks:

Develop and submit in the technical proposal a quality assurance and quality control plan

A detailed schedule to be submitted at the kick-off meeting for the City of Elizabeth, NJDOT and NJDOT review and approval. Interim schedule updates also will be provided on a quarterly basis as needed

Design Communication Report

Meeting agendas (including necessary handouts/presentations) and minutes, including written summaries of all project management meetings

Monthly progress reports and progress schedule, corresponding to the invoices.

Monthly Invoices.

A final progress and invoice with release clause to be submitted 30 days from the close of the project

B. Community Outreach

Stakeholder Coordination

The Consultant will serve as a liaison between the City of Elizabeth and the project stakeholders with support from the City of Elizabeth. This task includes updating the project fact sheets, organizing and maintaining the stakeholder database, assisting the City of Elizabeth in preparing press releases, responding to questions and comments as appropriate.

Public Information Meeting

The purpose of a Public Information Meeting is to update the public and local stakeholders by providing factual and reliable information and to obtain public input/support for the various alternatives. Coordination should take place with the City of Elizabeth, County, and local stakeholders for a public meeting. The meeting would occur toward the end of Preliminary Engineering (PE) when the preliminary design is completed.

Mailing lists need to be updated and a meeting notice developed and provided to the City of Elizabeth who will then send out the notice three to four weeks prior to the date of the meeting. Display boards will be updated and any necessary technical experts from the NJTPA and NJDOT should be invited.

Work Tasks:

Ongoing coordination with City of Elizabeth, County, and local stakeholders

Update property owner list and provide mailing labels to City of Elizabeth

Prepare/update project meeting hand-outs including project description and project map

Prepare/update display boards presenting the latest project layout

Public Information Meeting

C. Preliminary Engineering, Survey Base Mapping and Existing Right-Of Way

The Local Concept Development consultant used high-resolution aerial mapping and geo-referenced parcel data to develop alternatives for each location.

The Consultant shall develop topographic base mapping for the project. The horizontal datum of the project shall be in the latest adjustment of the North American Datum of 1983 (NAD83) and the vertical datum will be the North American Vertical Datum 1988 (NAVD88) referenced to the NJ State Plane coordinate system.

The Consultant shall compile mapping at each of the five project locations through means suitable to produce mapping at a scale of 1"=30' with contours at an interval of 1'. Ground-based features that are visible on the ground shall be compiled and the data shall be coded as to the feature type. The Consultant shall produce a Digital Terrain Model (DTM) compatible with the CADD platform selected for the project. The DTM will consist of a series of break lines and mass points that will be placed to represent the surface of the ground. This DTM shall be used to produce the 1' contours. Deliverables will consist of AutoCAD files in accordance with the City's requirements.

The Consultant shall establish survey control, plot deed mosaics, obtain aerial survey and mapping for the project area in accordance with NJDOT standards. If the Consultant believes that Federal Aviation Administration (FAA) air clearance requirements to obtain aerial photography would be problematic for this project study area due to its proximity to EWR, alternative methods to develop design grade mapping for the project may be proposed.

Deeds and filed maps for all properties along the project corridor will need to be researched and plotted. A deed mosaic will need to be assembled to depict all properties (including Green Ares Property) and to establish the existing road right of way width.

Work Tasks:

- Review all CD plans and reports to understand project scope
- Schedule a kick-off meeting with the City of Elizabeth, NJTPA, NJDOT Local Aid and BEPR, NJDEP-SHPO, NJDEP-Green Acres, Conrail/CSX, and others associated with the project
- Make a field visit to the site to take photographs and become familiar with project site
- Survey delineated wetlands and incorporated into the topographic survey and base map
- Survey utility mark out and test pits and incorporate into the topographic survey and base map

D. Right of Way Documents and Access Plan

Prepare ROW Report:

The Consultant shall review the existing information and update as necessary to provide the Right-of-Way (ROW) Report that reflects the potential acquisition of all lands required for project. The ROW Report is used as the basis for presentation at the ROW Kickoff Meeting and is updated and submitted at all the ROW submissions.

Initiate ROW Impact Plan:

The Consultant shall prepare the Right of Way (ROW) Impact Plan (preliminary General Property Parcel Maps (GPPM)) to accurately depict all ROW impacts (acquisitions) required for proposed improvements; including wetland and riparian buffer mitigation if anticipated. The plans will indicate the block and lot numbers along with the owners' names and the acquisition area for each parcel. The ROW Impact Plan will also indicate any recent preliminary and final site plan approvals. This plan will be used at the ROW Kickoff Meeting and updated following the meeting to address comments. This plan also will be used to prepare the Initial ROW Estimate. The Consultant submits the Right of Way Impact Plan to the City of Elizabeth and prepares the Initial ROW Estimate for City of Elizabeth approval. The City of Elizabeth will provide written approval.

ROW Kickoff Meeting

The Consultant will coordinate to schedule and hold the ROW Kickoff meeting with ROW Subject Matter Experts and the City of Elizabeth in concert with NJDOT LA and NJDOT Division of Right of Way and Access Management. The Consultant presents the ROW Impact Plan and the ROW Report for discussion and concurrence. During this meeting, parcel numbers will be provided which will be used to update the ROW Impact Plan. During the meeting or shortly thereafter, the City of Elizabeth will instruct the Consultant to hire a title company to conduct a Title Search on the impacted parcels. The Consultant will be accountable for the accuracy and the title company's performance.

Prepare Initial ROW Estimate:

Consultant will develop Initial ROW Estimate based on concurred ROW Impact Plan; inclusive of potential sites for wetlands and riparian buffer mitigation. If specific environmental mitigation parcels have not been identified, an anticipated cost should be included for all environmental mitigation. Consultant submits ROW estimate to the City of Elizabeth, NJDOT Division of Right of Way and Access Management for review and approval. The City of Elizabeth, NJDOT Division of Right of Way and Access Management will provide comment and written approval.

Work Tasks:

- Right of Way Report
- Right of Way Impact Plan
- Right of Way Kickoff Meeting
- Initial Right of Way Estimate

E. Drainage Management, Hydrology and Hydraulics

Prepare Preliminary Drainage Design

Prepare a preliminary drainage analysis with recommendations for the discharge of water. Analyze the preliminary analysis as to effect upon the present system. The preliminary drainage analysis shall take into consideration the latest NJDEP regulations regarding water quality and stormwater management, and future runoff conditions. Improvements to existing stormwater drainage systems shall be designed based on calculated tributary drainage areas and to accommodate a twenty-five (25) year storm event. The drainage analysis report shall include but will not be limited to the following:

Work Tasks:

Delineation of the drainage area tributary to the project and determination of the runoff, both existing and future, per NJDEP requirements.

Determination of runoff to all inlet points in accordance with NJDEP requirements.

Determination of the need and preliminary design of any stormwater management facilities in accordance with consultant expertise and based on input received during NJDEP pre-application meetings, if applicable.

Preliminary design of a drainage system connecting to the existing system or discharging into nearby streams in accordance with NJDEP and/or Municipal requirements.

Complete only the level of drainage design required to obtain an approved environmental document and an approved design exception report (if required).

F. Permits

Delineate Wetlands/Environmental Studies

The environmental screening performed during Concept Development (CD) Report determined that additional environmental studies are required for the project. The delineation of regulatory boundaries were based on existing information such as NJDEP GIS I-Map, and plans and maps available from local, County or State agencies. Field delineations of regulated boundaries are now warranted in regulated areas to determine regulatory permit or mitigation requirements. Regulatory boundaries shall be shown on the project base and constraint mapping. Regulatory boundaries shall include but not be limited to Freshwater Wetlands, Riparian Zones, Flood Plain Elevations / Zones, Ecological Habitat Areas, Haz Mat, and any other as deemed necessary to advance the project.

Delineate Wetlands

Wetland and/or transition areas are to be field delineated during the LPE phase; the delineation shall be performed by a certified wetlands delineator. The delineation should be surveyed and incorporated into the topographic survey, and a report should be prepared that includes a site plan of the wetland areas, representative photographs of the upland and wetland areas, and all supporting datasheets.

Environmental Studies

The environmental screening performed during LCD phase determined that the project should qualify in the NEPA categorical exclusion (CE) category and that further analysis will be required, which may include:

- Ecology/Natural Resources
- Cultural Resources Surveys
- Hazardous Material Testing and Remedial Actions
- Socio-Economics/Environmental Justice
- Threatened and Endangered Species Screenings and Surveys
- Agency Consultation, Coordination and Concurrence i.e NJDEP GAP, NJDEP LURP, NJDEP HPO

It is noted that if needed due to unknown environmental issues delays, separate Categorical Exclusion Documents could be prepared to advance each intersection improvements.

Work Tasks for Delineate Wetlands/Environmental Studies:

- Identify Regulatory Boundaries
- Initiate field investigation work for environmental studies
- Identify Regulatory Boundaries on Project Mapping
- Agency Consultation, Coordination and Concurrence

Identify Environmental Permits

The Concept Development Report identifies anticipated environmental permits and approvals that may be required for this project. Using information from and gathered during the delineation and technical study process, a determination can be made of necessary permits. Using the Preferred Alternative, impacts can be quantified to determine the extent of permitting that will be required and interagency coordination should begin. Activities are given permits using the following regulation set:

- National Environmental Policy Act Categorical Exclusion
- Compliance with Procedures for Abatement of Highway Traffic Noise and Construction Noise.
- Section 4(f) of the USDOT Act
- Section 106 Consultation per the National Historic Preservation Act
- Federal Clean Air Act Compliance
- Project Authorization under the NJ Register of Historic Places Act
- Compliance with Technical Requirements for Site Remediation and LSRP Program
- Approval Soil Erosion and Sediment Control Plan

Since soil erosion measures are determined after the design is complete, coordination with the governing Soil Conservation Districts can occur early in Final Design.

Schedule Pre-Application Meeting with NJDEP

After permits have been identified, a pre-application meeting may be warranted to discuss permits and design criteria to obtain buy-in from NJDEP. Preparation for this meeting

should include having a list of issues, how the issues will be addressed, what alternatives were considered, and if a waiver will be requested. Available concept plan should be used that includes environmental constraints (wetland limits, flood hazard area, riparian buffer) along with the project limits, including any associated features like drainage basins, swale, or other off-site grading. NJDOT BEPR will serve as the liaison, if needed, with respect to coordinating with Federal and State Regulatory Agencies.

Work Tasks:

Contact NJDEP to schedule a pre-application meeting, if applicable
Prepare plans, list of issues, and alternatives for discussion at pre-application meeting

Environmental Analysis

Once the scope of the permits are discussed and agreed upon by NJDEP, an environmental analysis of the project site shall be performed including impact assessments, identifying environmental requirements and restrictions to construction activities, performing a mitigation site search, preparing final mitigation plans and specifications. The work performed for the environmental analysis will be used to develop the Environmental Permit Plans.

Work Tasks:

Complete environmental analysis and impacts assessment and begin permit plan preparation
Perform environmental impacts assessment
Perform mitigations site search and analysis
Identify environmental restrictions and constraints
Prepare environmental specifications and mitigation plans

G. Environmental Documentation

Initiate NEPA Documents

Based on the current PPA improvements and the baseline environmental assessment, it is anticipated the project satisfies the Categorical Exclusion (CE) definition outlined in 23 CFR 771.117 (a) and will not result in significant environmental impacts. The study is categorized as CE under 23 CFR 711.117(d)13.

Initiate Cultural Resources (Section 106) Process

Please refer to the LCDS and Appendix L of that report for a discussion of Cultural Resources. Further consultation with the NJSHPO will be required to complete Section 106 Consultation, including the effects determination for certain project locations.

Conduct CR Survey

The Consultant shall conduct appropriate level technical studies to identify the presence of Historic Properties that are on or eligible for the State/Federal Register of Historic Places. This work must be performed by qualified professionals approved by Department of the Secretary of the Interior's Standards.

The Consultant will perform the following work:

The consultant must submit a Area of Potential Effects Report to the City of Elizabeth and NJDOT for submittal to NJDEP prior to the Consultant commencing full archaeological and architectural surveys for the Cultural Resources Report.

Identify properties listed in, nominated to, or are eligible for the State/National Register of Historic Places that are located within the project Area of Potential Effect (APE). Also note those properties included in the NJ Historic Sites Inventory, the Historic American Buildings Survey, the Historic American Engineering Record Catalogs, and any government inventories.

Conduct a thorough search of archeological literature to identify known historic and prehistoric sites including recent publications, cultural resource survey reports and articles available from State Historic Preservation Office (SHPO) and the New Jersey State Museum.

Conduct research using primary and secondary source materials pertaining to the history, ethno-history and ecology of the area and interview professionals and community individuals that might have historical knowledge of the area.

Conduct fieldwork and an Intensive Level Historic Architectural Survey of the APE for standing structures. Gather information from local historians, officials or individuals. Conduct Phase I archaeological investigation and start subsurface testing for archeological resources within the APE. Phase II studies are conducted if necessary.

Prepare CR Survey Report

The Consultant documents the results of the Cultural Resources Survey in a detailed report. The data collected during the Cultural Resources Survey will be analyzed and documented.

The Cultural Resources Survey Report identifies properties within the Area of Potential Effect (APE) that are on or eligible for listing on, the State or National Register of Historic Places. For resources identified in the APE, apply criteria of effect from 36CFR800 caused by the project, clearly present rationale and prepare documentation for approval by NJDOT Bureau of Environmental Program Resources (NJDOT BEPR) and NJDEP HPO. The Consultant submits the draft Cultural Resources Survey Report to the City of Elizabeth and NJDOT BEPR.

Prepare Adverse Effect Report (Adverse Effect Only)

If determined that the proposed action will result in an adverse effect to historic resources, the Consultant should prepare the Adverse Effect Documentation for the Advisory Council of Historic Places. The Consultant will submit the documentation to the City of Elizabeth and NJDOT-BEPR for review and submittal to the FHWA. This should be done after NJDEP HPO's Finding of Effect and before the Final MOA.

Prepare Draft MOA (Adverse Effect Only)

If determined that the proposed action will result in an adverse effect to historic resources, coordination with all parties in avoiding, minimizing and/or mitigating these effects shall be undertaken including the preparation of a Memorandum of Agreement (MOA). The culmination of this investigation is the preparation of Cultural Resources documents in accordance with State and federal regulations and guideline for review and approval by the City of Elizabeth, NJDOT BEPR and FHWA. The Consultant prepares a draft Memorandum of Agreement (MOA). The MOA includes the City of Elizabeth's cultural resources commitments to mitigate adverse effects.

Work Tasks:

Review cultural resource screenings and APE from LCD
Identify interested parties and investigate historic resources in potential APE
Prepare APE report that includes a public outreach plan
Submit APE report to the City of Elizabeth and NJDOT BEPR for review and approval. NJDOT BEPR submits APE for review and approval to NJDEP HPO
Perform Archaeological and Historic Architectural Surveys and prepare Cultural Resources report
Make determination of effects and if required apply Criteria of Effect clearly stating rationale and recommendations of effect. Also, state recommendations for methods to avoid, minimize and/or mitigate effect.
Submit Cultural Resources Report to City of Elizabeth and NJDOT BEPR for review and concurrence.
For the adverse effect, perform the following:
NJDOT BEPR submits documentation to FHWA for review
Upon FHWA approval, NJDOT-BEPR submits documentation to SHPO and interested parties
Comments received by FHWA and NJDEP HPO with recommendations to reduce impacts or mitigate harm
Prepare Adverse Effect Documentation for the Advisory Council of Historic Places. Submit documentation to the City of Elizabeth and NJDOT-BEPR for review and submission to FHWA.
Consultation to review harm by all parties
Prepare and circulate MOA to stakeholders
Approve MOA and incorporate documentation into environmental document

Section 4(f) Properties

Available geospatial data from the NJDEP Green Acres Program Recreation and Open Space Inventory (ROSI) and aerial photography were reviewed to identify public parkland, including recreation facilities, publicly owned open space, Wildlife Refuge or Wildlife Management Area, school athletic fields, or community parks within the Project limits.

Based on this review, only Block 720 Lot 2 (Formerly known as Block 1 Lot 950A) (Brophy Field), located in the southwest quadrant of the Trumbull Street intersection with 3rd Street is encumbered by Green Acres, as revealed on the NJDEP's Green Acres Program (GAP) Open Space Database available on the Program's website. The property located adjacent to and west of Brophy Field shown on the City tax maps as being owned by Central Railroad of NJ contains a wooded area and an abandoned railroad siding that crosses over Trumbull Street. It is recommended that consultation with NJDEP GAP and the City be performed to confirm if this property would be deemed open space and encumbered in the event right of way is required from the property. If right-of-way is required, then a Section 4(f) evaluation will also be required for this property.

In addition to parkland and recreational resources, Section 4(f) of the USDOT Act also requires that projects evaluate the use of cultural resources that are of local, state, or national importance. Available data from the NJ State Historic Preservation Office identified several historic resources listed in the LCDS which may be impacted during construction of the proposed project, in particular the Trumbull Street Sewer which is the existing combined sewer system proposed for upgrades. Project activities that constitute a use of Section 4(f) properties will require a Section 4(f) evaluation during the PE Phase.

Prepare Draft Programmatic Section 4(f) Evaluation

The Consultant through coordination with NJDOT BEPR prepares a Draft Programmatic Section 4(f) Evaluation to document the proposed project impacts, including temporary occupancy if applicable, to historic sites, recreation land, parkland, or wildlife and waterfowl refuges. Utilizing the alternatives analysis, justify selection of the most prudent and, feasible alternative. Discuss measures to minimize harm and propose mitigation. Ensure MOA will be included into the draft Section 4(f) report.

A critical aspect of the approval process is to demonstrate and justify that there are no Prudent and Feasible alternatives to avoid the Section 4(f) resource and that attempts to minimize impacts have been considered.

Inform Green Acres Program & Local Officials

The Consultant prepares package that includes a project description, map, graphics and existing conditions, proposed impacts and mitigation discussion.

In situations where impacts to Parkland resources are required a "Letter of Concurrence" is required from the property owner and NJDEP Green Acres Program (GAP). In situations where permanent or significant impacts will occur, the concurrence letter shall also identify mitigation measures to satisfy NJDEP GAP rules.

Hold Green Acres Pre-Application Meeting

The Consultant, City of Elizabeth and the NJDOT BEPR schedules and holds a meeting with the Green Acres Program and the agency that has jurisdiction over the park. The initial concepts of the proposed Green Acres net benefit, diversion/disposal, and mitigation are presented and discussed.

Where impacts are deemed significant, mitigation in the form of replacement lands and other actions may be required. Mitigation requirements shall be coordinated with the IRC and NJDOT BEPR.

Work Tasks:

Develop alternative analysis
Assess alternatives applicability to Section 4(f) evaluation
Consult with the City of Elizabeth and NJDOT BEPR on Alternatives to satisfy Avoidance and Minimize Harm, as well as mitigation
Consultation with Jurisdictional Agency on impacts and mitigation
Jurisdictional Agency Agrees (in writing) with findings and recommendations

Work Tasks for Programmatic Section 4(f):

Prepare Draft Programmatic Section 4(f) Document
Submit Documentation to NJDOT BEPR for review and approval
NJDOT BEPR submits draft documentation to FHWA for approval
Revise document to incorporate FHWA comments and NJDOT BEPR submits Final Draft documentation to FHWA
The Individual Sect. 4(f) document must also be submitted for legal sufficiency review. Consultant must address and incorporate comments and resubmit to NJDOT-BEPR for submittal to FHWA. This step is done before document is circulated to the public.
Circulate Draft documentation to stakeholders including general public as directed by NJDOT BEPR

Approved Section 4(f) and 106 Documents

Approval of Section 4(f) and 106 documents are obtained from NJDOT BEPR. Documentation is incorporated into environmental documents.

Conduct Noise Study

The goal of the project is to improve traffic operations and reduce congestion in the study area. For noise, a sensitive receptor is generally an exterior location of a property, which is considered to contain a noise sensitive land use such as picnic areas, recreation areas, playgrounds, active sports areas, residences, guest lodges, schools, churches, libraries and hospitals. The Screening determined that one sensitive receptor exists in the project area, including Brophy Field Park, at the Trumbull Street and 3rd Street intersection. Other land uses within the project area consists primarily of industrial and commercial properties which would not be considered sensitive receptors. Since it is the primary goal of the project to improve traffic operations and congestion, this project will not have a significant effect on traffic noise levels in the area since it will not be increasing volumes, significantly impacting vehicles speeds or bringing noise sources, in this case vehicles, closer to sensitive receptors.

As the proposed project will not cause a significant noise related impact. Noise studies should focus on potential construction noise impacts and then address and acknowledge them.

Conduct Socio-Economic Study

Using the Community Profile developed in Concept Development and the Field Visit Checklist located in the Socio-Economic Guidance Manual, the Consultant and NJDOT BEPR evaluates potential project related impacts to communities, effects on community cohesion, quality of life, aesthetics, land-use patterns, business and employment, public mobility and access, use of public facilities, and displacements of residents and businesses. Potential for disproportionate impacts to minority or low-income populations will also be assessed as per Title VI of the Civil Rights Act and Presidential Executive Order 12898 on Environmental Justice.

A Title VI Environmental Justice screen was completed for a study area which was delineated for this project defined to include areas within 500-feet of the intersections and the areas between them. The study area was separated into eleven census block groups with a population of 14,238. Of this amount, 88 percent of the population within the study area are a minority population, with 56 percent of the population being low income. Additionally, 25 percent of the population are considered linguistically isolated within the study area.

Immediately adjacent to each project location, only commercial properties exist with residential properties outside the project limits.

Conduct Hazardous Waste Study

The Consultant evaluates the project's potential involvement with known or suspected contaminated sites, underground storage tanks, or other hazardous waste. Conduct an environmental database search for known contaminated sites within the project corridor. Review historic information (historic aerials, Sanborn Insurance Maps, historic fill) for suspected land use in the past. Contact local, state and federal sources of information and review New Jersey Department of Environmental Protection case files, as appropriate. Perform site reconnaissance to verify site addresses and current land uses. Determine the need for further investigation and sampling. Review the LCDS for the initial screening results.

H. Utilities

During the LCD Phase, utility owners were contacted utilizing Utility Contact Letter 1 and provided Project Location Map to verify the existing facilities within the project limits; and to establish a contact person who will be assigned to the project for future coordination. Utility coordination and conflict identification are performed in the LPE on a larger, conceptual scale.

Prepare Utility Base Plans

The Consultant prepares utility base plans from field survey data to show existing surface utility facilities. These plans are the base plans for the alternatives of accommodation and the Utility Agreement Plan.

Send Letter No. 2 & Plans to Utility Co.

The Consultant submits Letter No. 2 and two sets of the utility base plans to each utility company to identify their existing facilities on the utility base plans.

Prepare Utility Agreement

The Consultant prepares a utility agreement and submits it to the City of Elizabeth for review and comment. The Consultant addresses comments and resubmits the agreement to the City of Elizabeth. The Consultant provides the utility agreement to utility companies for signature.

Update Base Plans & Identify Conflicts

The Consultant coordinates with the affected utility companies and incorporates the collective utility company comments onto the base maps. Identify potential utility conflicts between existing utility facilities and proposed design. The Consultant and utility companies identify potential subsurface utility engineering (SUE) test pit locations to verify the exact location of utilities. The Consultant identifies all potential utility conflicts as a result of the PPA and their impacts on the project objectives.

Conduct Subsurface Utility Engineering

The Consultant conducts subsurface utility engineering (SUE) in order to determine the exact location of underground utilities. Depending upon the type of utility and potential design conflict, several SUE methods can be utilized. If only horizontal location is needed, underground utilities may be located remotely using ground penetrating radar (GPR), metal detectors or similar devices. This method will not provide utility depth. If depths of utilities are needed, the Consultant arranges for a SUE Contractor or the utility company to dig subsurface test pits. Test pits are not needed to locate every utility and should only be used in locating utilities that have a potential conflict. Prior to conducting SUE test pits, the Consultant must confirm with the utility company if previous SUE test pits have been performed for the conflict area and horizontal and vertical data exists. The City of Elizabeth approves the proposed SUE test pit locations. Test pits are dug to locate underground utilities and linked to physical features in the field by a survey crew. The Consultant prepares a SUE test pit report and includes the survey notes from the SUE Contractor or utility company with the report.

Work Tasks

Develop Utility Verification Plans

Send Utility Verification Letter (Letter 2) and two sets of Utility Base Plans to utility owners to mark up

Revise Utility Base Plan to reflect all corrected utility information received from the utility owners

Identify utility impact locations

Consult with the City of Elizabeth to determine if SUE should be used for the project
Provide the SUE firm with limits for GPR and/or test pit locations based on utility impact analysis
Develop preliminary relocation scheme using Utility Base Map
Coordinate with utility owner for concurrence

I. Geometrics and Roadway

Prepare Horizontal and Vertical Geometry

The Consultant uses the Preliminary Preferred Alternative (PPA) as a guide to layout the proposed geometric alignment and to calculate the horizontal and vertical geometry. The geometry is tied into the existing base map to produce an accurate depiction of the proposed impacts. The Consultant develops profiles to depict tangent grades, lengths of vertical curve, vertical clearances, and low and high points of the roadway to evaluate critical design elements. The Consultant develops critical cross-sections to identify slope impacts at locations based on the calculated horizontal and vertical geometry. The Consultant also develops modifications to driveways where needed to conform to acceptable access and geometric standards. The calculated geometry, roadway and bridge sections, driveways, and slopes, are necessary to determine right of way, utility, and environmental impacts and the need for Design Exceptions. The Consultant develops typical section(s) to depict proposed roadway design elements such as lane, shoulder, median, bicycle lane, and border widths and cross slopes. When necessary, show and dimension roadside details such as berm, curb, or umbrella section, beam guiderail offset, utility pole location, sidewalk location, cut and fill slopes, swales, ditches, ROW line, and proposed pavement. Where applicable, locations and offsets of structural elements such as retaining walls, noise barriers, bridge piers and parapets, culverts, and overhead sign structure supports shall be coordinated with roadway typical sections and depicted as necessary to adhere to acceptable geometric and safety standards.

Work Tasks

Establish the existing and proposed baselines
Complete the horizontal geometry calculations for all roadways
Complete the vertical profiles for all roadways
Establish cross-slope limits and developing cross-sections to determine side slope impacts
Complete the driveway profiles to identify impacts to private driveways
Establish pavement and side slope limits, which will set the project footprint

Analyze Substandard Design Elements

Upon completing the geometry, substandard design elements are reviewed. If it is not practical or possible for a design element to meet the minimum design standards for a roadway or bridge, a Design Exception is required. The Design Exception process for a county or municipal construction project funded under the State Aid Program is required due to the design phase and construction phase is being funded with Federal Aid. The

Design Exceptions require approval from the City of Elizabeth, NJDOT and FHWA and should be obtained early in the Preliminary Engineering phase.

Work Tasks:

- Analyze substandard elements for improvement
- Request accident analysis related to substandard design elements
- Prepare Design Exception Report to document recommendations and submit to the City of Elizabeth, NJDOT and FHWA for approval
- Implement recommendations into project design

Prepare Preliminary Estimate and Schedule

The Preliminary Cost Estimate is developed based on the best available information, considering that the project is typically at approximately 30% completion. Preliminary cost estimates should be conservative but realistic since they are typically used to determine project funding; therefore, in addition to calculating the preliminary construction costs (costs incurred by the contractor), the preliminary cost estimate should also include costs for items such as construction engineering, change orders, environmental mitigation and right-of-way (ROW) acquisitions including off-site land acquisition for mitigation.

The Preliminary Construction Schedule is developed to ascertain an estimate for the construction duration, critical path items, and to identify major milestones. The Preliminary Construction Schedule portrays the construction project timeline, identifying the dates (absolute or relative to a start date) that a project task or activity will be started and completed. A schedule allows applicable resources to be identified and an anticipated timeframe to be established, and provides the basis for budgeting individual tasks and the project as a whole. The schedule identifies elements that are ahead, behind, and on-schedule and allows appropriate adjustments to reach a certain milestone.

Work Tasks:

- Develop Preliminary Cost Estimate
- Develop Preliminary Construction Schedule

Prepare Construction Cost Estimate

The Consultant prepares the Construction Cost Estimate using NJDOT Standard Specification Bid Items and Unit Prices; utilizing the plans developed during preliminary engineering activities, and the recommendations from the Constructability and Maintenance Review. The Construction Cost Estimate is necessary to properly program construction funds for the project. The Consultant submits the Construction Cost Estimate to the City of Elizabeth for review, comment and approval.

Prepare Engineering Reports

During Preliminary Engineering (PE), designs for most disciplines are completed and documented in an engineering report, which are then submitted so that designs can be reviewed and corrected as needed prior to advancing to Final Design.

The following reports are commonly prepared for transportation improvement projects, but it is the project scope that will define the required following reports:

Work Tasks:

- Drainage Report
- Stormwater Management/Hydraulics and Hydrology Report
- Geotechnical Foundations Report
- Pavement Design Report
- Structural Appraisal and Design Report
- Highway Lighting Report
- Traffic Impact Study Report
- Soil Erosion and Sediment Control Report

Prepare Preliminary Plans

Preliminary Plans are developed to the extent possible (typically approximately 30% completion) to provide the City of Elizabeth, NJTPA, and NJDOT Local Aid with reasonable assurance that the design of the project is proceeding in a reasonable manner and that all areas that can have a major impact on the design of the project were considered. Plans will vary depending on the scope of the project and disciplines involved. The following is a list of typical plan sheets submitted for Preliminary Engineering (PE):

- 1 Key Sheet
- 2 Typical Sections
- 3 Construction Plans
- 4 Environmental Plans including Sect 106 and Sect 4(f) commitments
- 5 Drainage Plans
- 6 Profiles
- 7 Ties
- 8 Grades
- 9 Cross-sections – showing finished grade only
- 10 Signing and Signal Plans (only if project involves traffic signal design)
- 11 Staging/Traffic Control Plans
- 12 Highway Lighting Plans (only if project involves lighting design)
- 13 General Plan & Elevation (only if project involves structures)

Work Tasks:

- Develop Preliminary Engineering Plans

J. Pavement

Obtain Pavement Design Data

The Consultant determines the traffic data and growth rates (Pavement Design Data) necessary to develop the pavement recommendation. Traffic data includes the Average Annual Daily Traffic (AADT), heavy truck percentage and directional distribution. The Consultant provides the Pavement Design Data to the City of Elizabeth.

Collect Existing Pavement and Subgrade Soil Information

The Consultant collects and reviews existing Pavement Management System condition data and functional condition information (Surface Distress Index (SDI), International Roughness Index (IRI), skid number), subsurface soil information, and as-built typical sections to determine pavement and subgrade soil information. Evaluate the need for in-situ pavement testing (Falling Weight Deflectometer (FWD), Dynamic Cone Penetrometer (DCP), Ground Penetrating Radar (GPR), soil borings, pavement coring) and/or roadway subsurface exploration to determine material parameters for pavement structure analysis.

Conduct Pavement Testing Program

The Consultant develops the Pavement Testing Program to collect structural adequacy data. Perform field testing to determine the structural properties of existing pavement structures. Prepare the Falling Weight Deflectometer (FWD) testing plan and the number and locations of pavement cores, Dynamic Cone Penetrometer (DCP) tests, soil borings, test pits to develop the pavement recommendation. If required, procure the services of a Pavement Engineering Consultant and/ or specialty contractor. Conduct FWD testing, pavement coring, DCP, Ground Penetrating Radar (GPR), soil borings and other in-situ testing. Send soil samples for laboratory analysis. Prepare lab and field testing report and include with the pavement recommendation.

Prepare Pavement Recommendation

The Consultant performs pavement structural design calculations to determine required pavement thickness. Determine input values considering environment, materials and traffic. Conduct structural performance analysis and evaluate technically viable alternatives. Recommend the pavement structure to accommodate traffic for the intended design period. The pavement recommendation is determined using the current AASHTO Geometric Design of Highways and Streets. Prepare and submit pavement recommendation to the City of Elizabeth for approval. The City of Elizabeth will provide written approval.

K. Structures

Prepare Structural Design Recommendation Summary

Based on the developed horizontal and vertical geometry, the Consultant determines the structural type (if not determined in Concept Development), length, width and footprint. Prepare a structural design recommendation summary that documents the structural selection process, the recommended structure and aesthetic treatments, and utility, right of way and environmental impacts.

Note: Complete only the level of structural design required to obtain an approved environmental document and an approved design exception report (if required). Develop general structural plans and elevations if needed for the environmental document or design exception report.

L. Geotechnical Services

Prepare Preliminary Geotechnical Engineering Report

The Consultant gathers existing soil information using NJDOT GDMS (on-line soil boring data), Engineering Soil Survey Report by Rutgers University, available geologic publications, Local Concept Development Study and as built plans to conduct a geotechnical study and to prepare a Preliminary Geotechnical Engineering Report which will evaluate and identify the following:

Soil-structure interaction for the required bearing strength, stability, anticipated settlements that pertain to the foundation system supporting the proposed structures/walls.

Stability and anticipated settlement for roadway (embankments and cuts) for the proposed roadway.

Construction concerns, vibration impacts, potential settlement associated with anticipated construction means and methods (dewatering, cofferdam, sheeting, etc.), ROW and easements that are required for retaining system, if applicable.

The Consultant identifies all potential geotechnical features as a result of the PPA and their impacts on the project objectives.

Note: Complete only the level of geotechnical design to obtain an approved environmental document and an approved design exception report (if required).

M. Traffic Signal and Safety Engineering

Determine Traffic Engineering Facility Locations

If necessary, the Consultant updates the peak hour capacity analyses to validate the operation, establishes the traffic signal pole layout, and prepares a lighting warrant analysis report (vehicular and/or pedestrian) and submits to the City of Elizabeth, NJDOT Bureau of Traffic Signal and Safety Engineering. Prepare conceptual level plans for the layout of lighting design, guide signs, regulatory traffic control devices and signal design to determine any associated right of way needs. Right of way needs may include locations of overhead sign and lighting structures or traffic signal facilities. Identify and resolve any potential underground or aerial utility conflicts.

N. Construction

Preliminary Construction Staging Plans and Detour Plans

The Consultant develops the preliminary construction staging plans and detour plans that were described in the LCDS to reflect the Preliminary Engineering (PE) design. The Consultant also prepares the construction sequence narrative and a preliminary construction schedule with anticipated construction stage durations.

The Consultant assesses the need for interim or temporary signals as a result of the construction staging and verifies the need with the City of Elizabeth and NJDOT Bureau

of Traffic Signal and Safety Engineering (TSSE). These interim or temporary signal and electrical plans are submitted to the Bureau of TSSE for review during Final Design.

Conduct Constructability and Maintenance Review

The City of Elizabeth will provide the Preliminary Construction Staging Plans and Detour Plans, and related information to NJDOT and NJTPA for review. The City of Elizabeth, NJDOT and NJTPA will perform a constructability review of the proposed project, a maintenance review to minimize long term maintenance costs and a review of the traffic impacts during construction. The desired result is to incorporate the review comments, potentially reduce the duration of construction and ensure the project can be constructed while maintaining public safety. In addition, this review will help to develop a reasonable construction cost estimate. Upon review completion, the Consultant will incorporate all comments forwarded to the Project Manager into related plans, estimates, etc. The Consultant will review the comments for any identified constructability or maintenance risks and advise the City of Elizabeth accordingly.

O. Technical and Administrative Activities

Initiate Preliminary Engineering

The City of Elizabeth holds a kickoff meeting with the Consultant, NJDOT and NJTPA to discuss the project, including the design decisions documented in the Design Communications Report, and commence Preliminary Engineering (PE). The Consultant prepares Meeting Minutes documenting the kickoff meeting. The City of Elizabeth also holds a kickoff meeting with the local officials to discuss the proposed schedule and introduce the Consultant.

Prepare Draft Preliminary Engineering Report

The Consultant prepares and submits the Draft Preliminary Engineering (PE) Report to the City of Elizabeth for review and comment. The Draft PE Report should include the Environmental Document, Design Exception Report, Final Design Scope Statement, the Project Management Plan, the Design Communications Report and the appropriate plans in support of the Environmental Document and Design Exception Report. The PE Report template lists all the items to be included in the Draft PE Report.

Prepare Final Design Scope Statement

The Consultant reviews the NJDOT Final Design (FD) Scope Statement template and updates with the tasks necessary for the completion of FD. The FD Scope Statement documents commitments from the City of Elizabeth and/or NJDOT Subject Matter Expert (SME) units. The FD Scope Statement will include all the tasks needed to conduct FD. The FD Scope Statement will be attached to the Draft Preliminary Engineering Report and will be used to solicit a Consultant man-hour estimate and a fee proposal for FD.

Complete Preliminary Engineering Quality Certification

The Consultant completes the Preliminary Engineering (PE) Designer Certification and includes with the Preliminary Engineering Report.

Develop FD Public Involvement Action Plan

The Consultant develops an FD Public Involvement Action Plan (PIAP) to identify critical points for public involvement during FD, and the objectives for each point. The FD PIAP includes, at minimum, updating the database of known stakeholders, determining the number of anticipated meetings with local officials, citizens groups and any outside agencies impacted by the proposed project. The Consultant coordinates with City of Elizabeth and NJDOT when preparing the FD PIAP to determine involvement with State/Federal permitting agencies responsible for Cultural Resources, Green Acres, CAFRA. The Consultant circulates the PIAP to the City of Elizabeth and NJDOT for final comments and signature.

Create FD Schedule

The Consultant creates an active schedule in Primavera based on the standard FD schedule template. The City of Elizabeth negotiates the draft schedule with the Consultant. The Consultant is responsible for updating all schedules on a monthly basis and may do so by providing updates to the City of Elizabeth.

Assess Consultant

The PE Consultant maybe retained for FD. Once the Preliminary Engineering (PE) Report is approved by FHWA, the City of Elizabeth will assess the performance and available resources of the PE consultant to confirm their ability to successfully perform the FD Phase activities. The City of Elizabeth will make a recommendation to amend the existing contract with an addendum. The NJDOT will evaluate the recommendation whether to retain the PE consultant or select a new consultant for FD. If the NJDOT does not concur, the issue is elevated to the NJTPA for discussion and resolution. If the decision is to not continue with the PE Consultant, the City of Elizabeth performs closeout activities and initiates the process to select a new consultant.

Develop FD Consultant Fee Proposal

The Consultant prepares a Fee Proposal utilizing the FD Scope Statement and forwards the proposal to the City of Elizabeth. The City of Elizabeth ensures the Fee Proposal is prepared in accordance with the City of Elizabeth's internal Fee Proposal for the FD.

PERMISSION TO PUBLISH AND/OR PUBLICIZE FINDINGS

Prior to written acceptance of the project documents by City of Elizabeth, the Consultant shall not publish or otherwise publicize any information relating to the project or its findings without written permission from the City of Elizabeth. Permission will not be unreasonably withheld. Written requests for such permission should include an abstract, or outline in the case of oral presentation. A copy of the initial text of the presentation should also be submitted

The Consultant will refer all inquires from news organizations to the City of Elizabeth. The Consultant will release no information unless specifically directed by the City of Elizabeth.

APPENDIX A

SIGNATURE PAGE
City of Elizabeth, New Jersey

Kapkowski Road Corridor Improvements Project
Local Preliminary Engineering

The undersigned design consultant, having examined these documents, and having full knowledge of the condition under which work described herein must be performed, hereby proposes to fulfill the obligations contained herein in accordance with all terms, conditions, and specifications set forth; and to furnish all required products and pay all incidental costs in strict conformity with these documents for the stated prices as payment in full.

Submitting Firm: _____

Address: _____

Telephone Number: _____

Name of Authorized Representative: _____

Title: _____

Authorized Signature: _____

Date: _____

Any EXCEPTIONS OR DEVIATIONS to the terms and conditions of this Request for Proposal should be noted below, otherwise "No Exceptions" should be written. Please attach additional sheet(s) if required.

REQUEST FOR QUALIFICATIONS CHECKLIST

DOCUMENTS THAT WILL BE REQUIRED PRIOR TO A CONTRACT EXECUTION:

- A. One (1) original, signed copy and one (1) digital copy of your technical proposal

- B. One (1) original and one (1) digital copy of your complete cost proposal separately sealed with proof of NJDOT Approved Overhead Rate(s)

- C. Non-Collusion Affidavit properly notarized (Prime Contractor/Subcontractor)

- D. Conflict of Interest Certificate

- E. Owners Disclosure Statement, properly notarized, listing the names of all persons owning ten (10) percent or more of the proposing entity.

- F. Authorized signatures on all forms.

- G. Business Registration Certificate(s)

- H. Partnership Disclosure Statement

- I. Affirmative Action Statement

- J. Disclosure of Investments in Iran

- K. Certification of Bidder's Status on the State Treasury List of Engagement in Prohibited Activities in Russia or Belarus

- L. Copies of NJUCP DBE Certification(s)/Documentation of Good Faith Effort

Note: N.J.S.A 52:32-44 provides that the City of Elizabeth shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors. The contracting party must also collect the state use tax where applicable.

**THE UNDERSIGNED HEREBY ACKNOWLEDGES AND WILL SUBMIT
THE ABOVE LISTED REQUIREMENTS PRIOR TO EXECUTION OF
CONTRACT.**

NAME OF PROPOSER:

Person, Firm or Corporation

Date

BY:

(PRINT NAME)

(TITLE)

BY:

(SIGNATURE)

(TITLE)

NONCOLLUSION AFFIDAVIT OF PRIME CONSULTANT

State of _____

SS

County of _____

_____, Being First Duly Sworn, Deposes and says that:

- (1) He is (owner, partner, officer, representative, or agent of _____ the Prime Consultant that has submitted the attached bid;
- (2) He is fully informed respecting the preparation and contents of the attached bid and of all pertinent circumstances respecting such bid.
- (3) Such bid is genuine and is not a collusive or sham bid;
- (4) Neither the said Prime Consultant nor any of its officers, partners, owners, agents representatives, employees or parties in interest, including this affidavit has in any way colluded, conspired, connived or agreed directly or indirectly with any other Prime Consultant, firm or person to submit a collusive or sham bid in connection with the contract for which the attached bid has been submitted or to refrain from bidding in connection with such contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Prime Consultant, firm or person to fix the price or prices in the attached bid or of any other Prime Consultant, or to fix any overhead, profit or cost element of the bid price of any other Prime Consultant or to secure through any collusion, conspiracy, connivance or unlawful agreement advantage against the City of Elizabeth or any person interested in the proposed contract and;
- (5) The price or prices quoted in the attached bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Prime Consultant or any of its agents, representatives, owners, employees, or parties in interest, including this affidavit.

(Signed) _____

(Title) _____

Subscribed and sworn before me

This _____ day of _____, 20_____

Title

My commission expires _____

NONCOLLUSION AFFIDAVIT OF SUBCONSULTANT

State of _____

SS

County of _____

_____, being first duly sworn, deposes and says that:

(1) He is (owner, partner, officer, representative or agent) _____ of _____

Hereinafter referred to as the "Subconsultant"

(2) He is fully informed respecting the preparation and contents of the Subconsultant's Proposal submitted by the Subconsultant to _____, the Contractor, for certain work in connection with the Kapkowski Road Corridor Improvements Project – Local Preliminary Engineering Contract pertaining to the project in the City of Elizabeth, New Jersey

(3) Such Subconsultant's proposal is genuine and is not collusive or sham proposal

(4) Neither the Subconsultant nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affidavit has in any way colluded, conspired, connived, or agreed, directly or indirectly, with any other Prime Consultant, firm or person to submit a collusive or sham proposal in connection with such contract or to refrain from submitting a proposal in connection with such contract, or has in any manner, directly or indirectly, sought by any unlawful agreement or connivance with any other Prime Consultant firm or person to fix the price or prices in said Subconsultant's proposal, or to secure through collusive, conspiracy, connivance or unlawful agreement any advantage against the City of Elizabeth, New Jersey, or any person interested in the proposed contract; and

(5) The price or prices quoted in the Subconsultant's Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Prime Consultant or any of its agents, representatives, owners, employees, or parties in interest, including this affidavit.

(Signed) _____

Title _____

Subscribed and sworn to before me

This _____ day of _____ 20 _____

My commission expires _____, 20 _____

CONFLICT OF INTEREST CERTIFICATE

Pursuant to Section 2.24.090 of the Administrative Code of the City of Elizabeth, the undersigned does herewith certify to the City of Elizabeth that no City of Elizabeth officer or employee is interested in this contract, nor shall be participated in any profits with the undersigned or other person, or receive any compensation, commission, gift or other reward for his services, except the salary or fees established by law or by ordinances or resolution of the council.

IN WITNESS WHEREOF, the undersigned

Has caused this certificate to be executed

This _____ day of _____ 20 _____

Sworn and subscribed to before me

This _____ day of _____ 20 _____

President (or authorized agent of the corporation)

Secretary

DISCLOSURE STATEMENT OF OWNERSHIP DISCLOSURE

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization: _____

Organization Address: _____

Part I Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type)
- Limited Liability Company (LLC)
- Partnership Limited Partnership
- Limited Liability Partnership (LLP)
- Other (be specific): _____

Part II

- The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

OR

- No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

Name of Individual or Business Entity	Address

Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

Website (URL) containing the last annual SEC (or foreign equivalent) filing	Page #'s

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II other than for any publicly traded parent entities referenced above. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Address

Part IV Certification

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the City of Elizabeth is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with the City of Elizabeth to notify the municipality 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 City of Elizabeth, permitting the municipality to declare any contract(s) resulting from this certification void and unenforceable.

Subscribed and Sworn
before me this
day of _____, 20__

(Affiant)

(Print full name of affiant and title)

Notary Public
My commission expires _____

(Corporate Seal if a Corporation)

PARTNERSHIP DISCLOSURE STATEMENT

(To be submitted with proposal)

- (a) Is or was anyone in your firm or company a member of the City Council within the last calendar year or a member of his/her immediate family? If yes, then provide the name of the individual below and his/her relationship.

Yes _____ No _____

Name

Position

Relationship

- (b) Has any principal/partner of your firm been convicted of an indictable offense? If yes, then please provide further explanation and copies of any relative documents.

Yes _____ No _____

Name

Date

- (c) Has any individual who would provide service under this contract ever been sanctioned by the appropriate licensing board?

Yes _____ No _____

Name

Position

Term

Reason for censure:

- (d) Has the firm been found liable for professional malpractice in the last 5 years?

Yes _____ No _____

Reason for Action:

(e) Has any member of your firm ever been barred from doing business with any state, City or municipal government? If yes, then please provide further written explanation including date and copies of relevant documentation.

Yes _____ No _____

Name

State, County or Municipality
Government

Date

(f) Has your firm sued the City of Elizabeth in the past five (5) years? If yes, then please identify the matter/case and provide further written explanation including date and copies of relevant documents.

Yes _____ No _____

Name

Date

AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27

GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq.

COMPANY: _____ SIGNATURE: _____

PRINT NAME: _____ TITLE: _____

DATE: _____

DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

Contract Number: _____ **Bidder:** _____

Pursuant to N.J.S.A. 52:32-57 et seq. (P.L. 2012, c. 25 and P.L. 2021, c.4), any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract with the City of Elizabeth must complete the certification below to attest, under penalty of perjury, that the person or entity, or one of the person or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the New Jersey Department of the Treasury as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf> Bidders must review this list prior to completing the below certification. If the City of Elizabeth finds a person or entity to be in violation of the principles which are the subject of this law, it shall report to the New Jersey Attorney General the name of that person or entity and the Attorney General shall determine whether to bring a civil action against the person to collect the penalty prescribed in paragraph (1) of subsection a. of section 5 of [P.L.2012, c. 25 \(C.52:32-59\)](#). The local contracting unit may also report to the municipal attorney or county counsel, as appropriate, the name of that person, together with its information as to the false certification, and the municipal attorney or county counsel, as appropriate, may determine to bring such civil action against the person to collect such penalty.

I certify, pursuant to N.J.S.A. 52:32-57 et seq. (P.L. 2012, c. 25 and P.L. 2021, c.4), that the person or entity listed above for which I am authorized to bid/renew or any of its parents, subsidiaries, or affiliates:

- is not providing goods or services of \$20,000,000 or more in the energy sector of Iran, including a person or entity that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran, AND
- is not a financial institution that extends \$20,000,000 or more in credit to another person or entity, for 45 days or more, if that person or entity will use the credit to provide goods or services in the energy sector in Iran and is not listed on the New Jersey Department of Treasury's Chapter 25 List of entities determined to be engaged in prohibited activities.

In the event that a person or entity is unable to make the above certification because it or one of its parents, subsidiaries, or affiliates has engaged in the above-referenced activities, a detailed, accurate and precise description of the activities must be provided in Part 2 below under penalty of perjury. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN	
<p>You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.</p>	
Name: _____	Relationship to Bidder: _____
Description of Activities: _____	
Duration of Engagement: _____	Anticipated Cessation Date: _____
Bidder Contact Name: _____	Contact Phone Number: _____

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the City of Elizabeth is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the City to notify the City in writing of any changes to the answers of information contained herein. I acknowledge 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 recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the City of Elizabeth and that the City at its option may declare any contract(s) resulting from this certification void and unenforceable.

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

**CERTIFICATION OF BIDDER'S STATUS ON THE STATE TREASURY LIST
OF ENGAGEMENT IN PROHIBITED ACTIVITIES IN RUSSIA OR BELARUS**

STATE OF _____

COUNTY OF _____

I, _____ of the City of _____,

in the State of, _____ of full age, being duly sworn

according to law on my oath depose and say that:

I am _____ of the firm of _____, the Bidder making the Bid for the above named project; that I execute the said Bid, this affidavit and all other documents with full authority to do so; and that said bidder is not now at the time of submission of this bid included on the Federal or State of New Jersey Department of the Treasury List as a person or entity engaging in prohibited activities in Russia or Belarus pursuant to P.L.2022, c.3.

In the absence of a Federal or State of New Jersey Department of the Treasury List I further certify that I am not a person or entity engaging in prohibited activities in Russia or Belarus pursuant to P.L.2022, c.3.

Deponent's Signature (Seal)

Date

Deponent's Printed Name and Title

Subscribed and sworn to
before me this ____ day
of _____, 20__

(Seal) Notary Public of New Jersey

My commission expires _____, 20__

CITY OF ELIZABETH
PROFESSIONAL SERVICES
AGREEMENT

SAMPLE

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2023, between, the CITY OF ELIZABETH, a Municipal Corporation of the State of New Jersey, hereinafter referred to as “City”, and COMPANY NAME, Address, City, State & Zip, hereinafter referred to as “Contractor”.

WITNESSETH:

That in consideration of the payment by the City to the Contractor of the sums due in accordance with the proposal dated DATE, attached hereto and made a part of this contract, and at the time hereinafter provided for, the Contractor agrees to provide TERMS OF CONTRACT; and in consideration of the mutual covenants hereinafter entered:

1. Contract Documents: It is agreed by the parties hereto that the following list of documents which are attached hereto or incorporated herein by reference constitute and shall be referred to as the contract documents, and they are as fully a part of this agreement as if they were set out in full herein:

- a. Request for Proposals – *Date Here*
- b. Proposal – *Date Here*
- c. Resolution of Award. – *Date Here*
- d. Mandatory Affirmative Action Contract Language.
- e. DOT Order 1050.2A – Appendix A & E

2. Contractor Agrees:

(a) To abide by all applicable requirements contained in “Local Public Contracts Law” N.J.S.A. 40A:11-1 et seq.

(b) All subcontracting shall be performed in accordance with the NJDOT Standard Specifications for Road and Bridge Construction, including all Baseline Document Change Announcements, in effect at the time of the execution of this Agreement and 23 C.F.R. § 635.116.

(c) To comply with the provisions of N.J.S.A. 10:2-1 through 10:2-4 and N.J.S.A. 10:5-31 et seq. (PL 1975, c 127 as amended and supplemented) dealing with discrimination in employment on public contracts, and the rules and regulations promulgated pursuant thereto.

(d) To comply with Title VI of the 1964 Civil Rights Act and related statues.

(e) That they are not parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.”

(f) To comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).

(g) Shall file Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) Certifications. This applies to the Contractor and all tiers of sub-contractors. Each tier certifies to the tier above.

(h) To perform all services consistent with the care and skill ordinarily used by members of the applicable profession practicing under similar conditions at the same time and in the same locality.

3. **Scope of Work:** Contractor agrees to and shall furnish all labor, tools, supplies, equipment, materials and everything necessary for and required to do, perform and complete all the services described, set forth, shown and included in Contractor's proposal attached hereto.

Changes may be made to the Services, in which event an equitable adjustment, mutually agreed by City and Contractor, will be made to the contract scope, schedule and budget amount. Additional services may also be requested by the City. Likewise, such additional services shall be defined by scope, schedule and budget. Upon receipt of the modification to this agreement, Contractor will perform such changed and/or additional services. Contractor may initiate such notification upon identifying a condition which may change the Services agreed to on the effective date of this Agreement.

4. **Terms of Payment:** City agrees to pay Contractor the performance of all the work required hereunder pursuant to "Consultant's Summary Budget Form" and supporting budget pages in Contractor's Proposal and consistent with the Request for Proposals, attached hereto. Progress payments will be made based on actual number of hours expended in performance of services and the overhead rate shown in Contractor's Proposal. Payment will be made within 30 days after the submission of invoice.

5. **City Representative:** For the purposes of this Agreement, the Contractor is subject to the supervision of, and must coordinate its efforts with the Department of Public Works.

6. **Independent Contractor:** The right of general supervision by the City shall not make the Contractor an agent or employee of the City, but the Contractor shall at all times, and in all respects, have the rights and liabilities of an independent contractor.

7. **Insurance and Indemnification Requirements:** Contractor shall furnish an insurance certificate evidencing the following insurance provisions:

- a. General Comprehensive Liability Insurance in the minimum amount of **One Million Dollars xx/100 (\$1,000,000.00)** combined single limit plus **One Million Dollar xx/100 (\$1,000,000.00)** in an umbrella policy. This insurance shall specifically provide for coverage of the State of New Jersey and City of Elizabeth as additional insured and provide for coverage at least as broad as the standard, basic un-amended commercial general liability policy and shall be endorse to include broad form contractual liability coverage, independent contractor's coverage and completed operations coverage.
- b. Automobile Liability Insurance in the minimum amount of **One Million Dollar xx/100 (\$1,000,000.00)**.
- c. Workers Compensation Insurance in the amount required by law but not less than **One Million Dollar xx/100 (\$1,000,000.00)**.
- d. Errors and Omissions, Professional Liability Insurance and/or Professional Malpractice Insurance sufficient to protect against liabilities arising out of professional obligations performed pursuant to the requirements of this Agreement. This insurance shall be in the minimum amount of **One Million Dollars xx/100 (\$1,000,000.00)**.

Contractor agrees to indemnify, defend and hold harmless the City and State of New Jersey against any and all damages to property or injuries to or death of any person or persons, including property and employees or agents of the City and/or State to the extent caused by the negligent acts, errors or omission of Contractor in performance of

professional services hereunder, and shall defend indemnify and hold harmless City and State of New Jersey from any and all claims, demands, suits, actions or proceedings of any kind or nature, including Workers' Compensation Claims, of or by anyone whomsoever, in any way resulting from or arising out of the operations of subcontractors and negligent acts errors or omissions of employees or agents of Contractor or his subcontractors.

8. Wages and Hours: Contractor is required to pay workmen not less than the prevailing wage rates as ascertained by the Commissioner of Labor and Industry for the State of New Jersey in accordance with N.J.S.A. 34:11-56a et seq., as amended. In the event that it is found that any workman, employed by the Contractor or any subcontractor covered by this contract is, paid less than required wage rates, the City may terminate the Contractor right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The Contractor and his sureties shall be liable to the public body for any excess costs occasioned thereby.

Contractor and subcontractor(s) shall file written statements certifying to the amounts then due and owing to any and all workmen for wages due on account of the public work. The statements shall set forth the names of the persons whose wages are unpaid and amount due to each. The statements should be verified by the oaths of the consultant or subcontractor, as the case may be. It is the duty of the City Treasurer to review and separate the statements prior to the disbursements of City funds due under this contract.

9. Mandatory Contract Procedures: The Contractor agrees to Mandatory Contract Dispute Procedures required by N.J.S.A. 40A:11-50 as described below:

In an effort to resolve any disputes that arise during the execution of the Project, or following the completion of the Project, the Contractor and Owner agree that all disputes between them arising out of or relating to the performance of the work described in the Contract Documents shall be submitted to non-binding mediation in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect.

The Contractor further agrees to include a similar mediation provision in all agreements with independent contractors and consultants retained for the Project and to require all independent contractors and consultants also to include a similar mediation provision in all agreements with subcontractors, subconsultants, suppliers or fabricators so retained thereby providing for mediation as the primary method for dispute resolution between the parties to those agreements.

The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

10. Termination of Agreement for Cause: The City may, by written notice of default to the Contractor, and without prejudice to any other right or remedy, terminate this Agreement under any one of the following circumstances if the Contractor does not cure such default within a period of ten (10) days (or such longer periods as the City may authorize in writing) after providing notice to the Contractor specifying such failure:

- a. If the Contractor refuses or fails to provide services called for in this Agreement

- or fails to meet any criteria defined in the Agreement,
- b. If the Contractor disregards laws, ordinances, rules, regulations or orders,
 - c. If the Contractor fails to perform any of the other provisions of this Agreement, or so fails to make progress as to endanger performance of this Agreement in accordance with its terms,
 - d. If the Contractor files a petition for bankruptcy, becomes insolvent, ceases its operation, makes an Assignment for the Benefit of Creditors or any similar action that affects the rights, affairs or property of the City.

In the event the Agreement is terminated, all finished and unfinished documents, data, studies and reports prepared by the Contractor under this Agreement shall, at the option of the City, become the City's property and the Contractor shall be entitled to reimbursement for any satisfactory work completed.

11. **Termination of Agreement for Convenience:** The Agreement may be terminated without cause at any time upon thirty (30) days prior written notice from the City. In no event shall the Contractor be paid for loss of anticipated profits or consequential damages.

In the event the Agreement is terminated, all finished and unfinished documents, data, studies and reports prepared by the Contractor under this Agreement shall, at the option of the City, become the City's property and the Contractor shall be entitled to reimbursement for any satisfactory work completed.

12. **Federal Requirements:** If this agreement involves a Federally assisted or insured contract, then in that event, contractor agrees to comply with all rules and regulations promulgated by the Federal Highway Administration.

13. American with Disabilities Act (ADA): The contractor further agrees to comply with the requirements of the federal American with Disabilities Act (ADA) and the Federal Rehabilitation Act of 1973.

14. New Jersey Business Registration Requirements: The Contractor shall provide written notice to its subcontractors of the responsibility to submit proof of business registration to the Contractor.

Before final payment on the contract is made by the contracting agency, the Contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract or shall attest that no subcontractors were used. For the term of the contract, the Contractor and each of its affiliates and a subcontractor and each of its affiliates (*N.J.S.A. 52:32-44(g)(3)*) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L.2001, c.134 (C.52:32-44 et al.), or subsection e. or f. of section 92 of P.L.1977, c.110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of Twenty-five Dollars xx/100 (*\$25.00*) for each day of violation, not to exceed Fifty Thousand Dollars xx/100 (*\$50,000.00*) for each business registration copy not properly provided under a contract with a contracting agency.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their duly authorized officers and their seals affixed and duly attested the day and year first above written.

CONTRACTOR

CITY OF ELIZABETH

PRESIDENT

J. CHRISTIAN BOLLWAGE
MAYOR

WITNESS:

ATTEST:

YOLANDA M. ROBERTS, R.M.C.
MUNICIPAL CLERK

PROJECT COST AND WORK HOUR

PROPOSAL FORM

SAMPLE