

**THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY
TWO MONTGOMERY STREET - 1st FLOOR
JERSEY CITY, NJ 07302**

October 26, 2021

ADDENDUM NO. 10

TO PROSPECTIVE BIDDERS ON CONTRACT **PN-654.001** – PORT NEWARK – PORT STREET CORRIDOR IMPROVEMENTS AND CONTRACT **PN-654.001M** – PORT NEWARK – PORT STREET CORRIDOR IMPROVEMENTS – AGREEMENT TO PERFORM LANDSCAPE MAINTENANCE

The following changes are hereby made in the Contract Documents for the subject Contract.

This communication should be physically annexed to back cover of the book and initialled by each bidder before submitting his bid.

In case any bidder fails to conform to these instructions, his Bid will nevertheless be construed as though this communication had been so physically annexed and initialled.

CHANGES IN THE CONTRACT BOOKLET FOR CONTRACT PN-654.001

- Page i – Delete the entire page and substitute therefor new page i which is attached hereto and made a part hereof.
- Page 17 - Delete the entire page and substitute therefor new page 17 which is attached hereto and made a part hereof.
- Page 29 – Delete the entire page and substitute therefor new pages 29 and 29A which are attached hereto and made a part hereof.
- Page 36 – Delete the entire page and substitute therefor new page 36 which is attached hereto and made a part hereof.
- Page 37 – Delete the entire page and substitute therefor new page 37 which is attached hereto and made a part hereof.

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

James Starace, P.E.
Chief Engineer/Director

INITIALLED BY THE BIDDER:

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- 10 DIRECTIONAL SIGNS
 - R6 NEOPRENE COMPRESSION SEAL DETAIL AT CURB
 - *X. Drawings bearing the general title "THE PORT OF NEW YORK AUTHORITY - PORT NEWARK - CORBIN STREET RAMP – Contract No. PN-140.066 - PN-140.067", dated Aug. 19, 1968, and are separately numbered and entitled as follows:
 - R2 UNTITLED—AS-BUILT SHOWING REVISED FRAMING PLAN AT 10S
 - R3 ROADWAY CONTOURS
 - R-4 BEAM PROFILES SHEET NO. 1
 - R-5 BEAM PROFILES SHEET NO. 2
 - *Y. Drawings bearing the general title "NEW JERSEY TURNPIKE AUTHORITY - NEW JERSEY TURNPIKE - SECTION NO. 6 – Contract No. 42", dated Feb. 28, 1969, and are separately numbered and entitled as follows:
 - 1 TITLE SHEET
 - 3 GENERAL PLAN AND ELEVATIONS
 - 5 RELOCATED PORT ST. VIADUCT - EAST ABUTMENT - PLAN AND ELEVATION
 - 6 ABUTMENT DETAILS
 - 9 RELOCATED PORT ST. VIADUCT - BENTS NO. 1 TO 6
 - 10 RELOCATED PORT ST. VIADUCT - BENTS NO. 7 TO 11
 - 12 RELOCATED PORT ST. VIADUCT - FRAMING PLAN AND SECTIONS
 - 14 STRINGER DETAILS
 - 15 STRINGER AND BEARING DETAILS
 - 16 TYPICAL EXPANSION DAMS
 - 19 DECK SECTIONS
 - 20 TYPICAL DECK DETAILS
 - 30 ELECTRICAL WORK
 - *Z. Document entitled "PORT STREET CORRIDOR IMPROVEMENTS - PORT NEWARK BERTH 9 OUTFALL SURVEY", dated Feb. 10, 2016 (22 pages including cover).
- * NOTE: For the bidder's convenience, these documents will be transmitted with the Contract Drawings.

- B. Soliciting bids on portions of the Work to be subcontracted and services and materials to be procured from prospective LBEs as the Contractor deems appropriate.
- C. Hosting at least one outreach event/meeting with LBEs in Essex County.

Business entities will be considered local if they satisfy the following requirements:

- A. Continuous operation in Essex County for at least six months prior to acceptance by the Authority of the Contractor's Bid,
- B. Possession of a current New Jersey Business License issued at least six months prior to acceptance by the Authority of the Contractor's Bid.
- C. Demonstration that the majority of operations and the primary office are located in Essex County.
- D. Demonstration that the majority of employees, other than field employees, are based in the primary office in Essex County.

Nothing herein shall be deemed to supersede or otherwise modify the clause in Information for Bidders entitled "Disadvantaged Business Enterprises Program (DBE)" or the clause of the Form of Contract entitled "Assignments and Subcontracts".

12A. LOCAL AND MINORITY HIRING

The Contractor shall make good faith efforts to ensure at least 25% of all project work hours shall be performed by residents of Newark and Elizabeth, New Jersey.

The Contractor shall make good faith efforts to ensure at least 25% of all project work hours shall be performed by minorities or women.

The Contractor shall not displace any of its existing employees in order to satisfy such hiring preference.

13. INSPECTION OF SITE

Each bidder or his authorized representative must make proper arrangements with the Resident Engineer at the construction site before inspecting the construction site. To make such arrangements call Christopher Vaccaro at (201) 216-6523 or email at cvaccaro@panynj.gov.

14. QUESTIONS BY BIDDERS

Questions by prospective bidders concerning the Contract may be addressed to Elza Renazile, at (212) 435-4657 or email at erenazile@panynj.gov, who, however, is authorized only to direct the attention of prospective bidders to various portions of the Contract so that they may read and interpret such portions for themselves. Neither Elza Renazile nor any other employee or representative of the Authority is authorized to give interpretations of any portion of the Contract or to give information as to the requirements of the Contract in addition to that contained in the Contract. Interpretations of the Contract or additional information as to its requirements, where necessary, shall be communicated to bidders only by written addendum issued over the name of the Chief Engineer, which addendum shall be considered part of this Contract. Accordingly, nothing contained herein and no representation, statement or promise, oral or in writing, of the Authority, its Commissioners, officers, agents, representatives or employees shall impair or limit the effect of the warranties of the Contractor contained in the clause of the Form of Contract entitled "Contractor's Warranties" or elsewhere in this Contract. The provisions of this clause shall apply to questions addressed by prospective bidders both before and after their receipt of Contract documents.

Questions by prospective bidders shall be submitted to Elza Renazile not later than 5:00 PM on the day which is fourteen (14) calendar days before the date for receipt of Bids.

Pursuant to the policy, Performance Evaluations will be performed by the Authority for contractors, subcontractors and construction management firms on all Port Authority construction projects. Marginal or Unsatisfactory Performance Evaluations will be provided to the evaluated party as soon as practicable after completion of a Performance Evaluation, at which time the evaluated party will be notified that a Performance Evaluation is available for comment. The Contractor shall be afforded up to fourteen (14) days from the date of notification of availability to respond and submit comments or additional information. The Port Authority will update the Performance Evaluations with any contractor comments provided within fourteen (14) days, as well as any subsequent Port Authority review of comments received. The parties will use good faith efforts to resolve any dispute; however, the ultimate conclusion on the Performance Evaluation is a decision of the Authority.

The Contractor shall include the provisions of this clause in each subcontract entered into under this Contract. The full text of the Performance Evaluation for Construction Contractors/Construction Managers Policy is available at <https://www.panynj.gov/business-opportunities/become-vendor.html>.

20. CERTIFICATION OF PARTICIPATION IN A UNITED STATES DEPARTMENT OF LABOR-REGISTERED APPRENTICESHIP PROGRAM

By bidding on this Contract, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint Bid each party thereto certifies as to its own organization, that the bidder participates in an apprenticeship program registered by the United States Department of Labor. Participation in such an apprenticeship program shall mean that the bidder either (a) is a signatory to a collective bargaining agreement with a labor organization which sponsors an apprenticeship program registered with the United States Department of Labor, (b) individually sponsors an apprenticeship program registered by the United States Department of Labor or (c) has an application or request for reciprocal approval pending with the United States Department of Labor prior to the date of opening of Bids for this Contract and, in the case of (a), (b) and (c) above, such apprenticeship program shall be in the trade(s) in which Work is to be performed. This clause shall not apply to bidders who will perform all Work at the construction site through the use of subcontractors.

Apprentice Utilization: With respect to apprentices the Contractor shall make a good faith effort to provide 20% of the work hours on the project for performance by apprentices enrolled in a federally registered apprenticeship program.

The Contractor shall make a good faith effort to provide that 50% of those apprentices shall be residents of Newark and Elizabeth, New Jersey.

The foregoing certification, if made by a corporate bidder, shall be deemed to have been authorized by the Board of Directors of the bidder, and such authorization shall be deemed to include the signing and submission of the Bid and the inclusion therein of such certification as the act and deed of the corporation.

In any case where the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the signed Bid a signed statement which sets forth in detail the reasons therefor. If the bidder is uncertain as to whether it can make the foregoing certification, it shall so indicate in a signed statement furnished with its Bid, setting forth an explanation for its uncertainty.

Notwithstanding that the certification may be an accurate representation of the bidder's status with respect to the enumerated circumstances provided for in this clause as requiring disclosure at the time that the Bid is submitted, the bidder agrees to immediately notify the Authority in writing of any change in circumstances during the period of irrevocability, or any extension thereof.

The foregoing certification or signed statement shall be deemed to have been made by the bidder with full knowledge that it would become a part of the records of the Authority and that the Authority will rely on its truth and accuracy in awarding this Contract. In the event that the Authority determines at any time prior or subsequent to the award of the Contract that the bidder has falsely certified as to any material item in the foregoing certification; willfully or fraudulently submitted any signed statement pursuant to this clause which is false in any material respect; or has not completely and accurately represented its status with respect to the circumstances provided for in this clause as requiring disclosure, the Authority may determine that the bidder is not a responsible bidder with respect to its Bid on this Contract or with respect to future bids and may, in addition to exercising any other rights or remedies available to it, exercise any of the rights or remedies set forth in the clause of the Form of Contract entitled "Rights and Remedies of Authority". In addition, bidders are advised that knowingly providing a false certification or statement pursuant hereto may be the basis for prosecution for offering a false instrument for filing (see, e.g., New York Penal Law, Section 175.30 et seq.).

21. NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)

- 1.) The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Specifications" set forth herein, in Chapter VII of the Form of Contract entitled "Federal Highway Administration Requirements.
- 2.) The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

| Goal for minority participation (Essex County, Union County, NJ) | Goal for female participation (nationwide goal) |
|---|--|
| 17.3%* | 6.9% |

*Note: The minority goal for this Contract PN-654.001 is 25% which exceeds the U.S. Department of Labor 17.3% goal. See the clause hereof entitled "Local and Minority Hiring".

These goals are applicable to all the Contractor's construction Work (whether or not it is Federal or federally assisted) performed in the covered area. If the Contractor performs construction Work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the Work is actually performed. With regard to this second area, the Contractor also is subject to the goals for both its federally involved and non-federally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the Contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the Contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.