

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

**AT-RISK CONSTRUCTION MANAGEMENT (CM) SERVICES  
PRECONSTRUCTION AND CONSTRUCTION**

**RERFQ-0000047  
NEW JERSEY WIND PORT**

**A. PURPOSE OF THE REQUEST**

The New Jersey Economic Development Authority (NJEDA or the Authority) Office of Economic Transformation is planning to select a Construction Manager (CM) to provide Construction Management Services (Preconstruction and Construction ) for the construction of the New Jersey Wind Port (<https://nj.gov/windport>), an offshore wind marshalling and manufacturing port in Lower Alloway's Creek, New Jersey (Port). The NJEDA intends to design and construct the approximately 200-acre Port in two phases. Working with a Design Engineering firm, the selected CM will perform both Preconstruction Services and Construction Services to implement the proposed design.

**Preconstruction Services** will include: scheduling, cost estimating, analyzing constructability, value engineering, sustainability engineering, developing subcontractor lists, identifying long-lead procurement items, and working with the project's Phase One Design Engineer firm, Moffat and Nichol ("Design Engineer"). Work with the Design Engineer will include finalizing design development, preparing construction documents, evaluating constructability, developing a site logistics and mobilization plan, and maintaining the budget through completion of design. It is the intent of the NJEDA that the selected CM will provide Preconstruction Services for Phase One on a lump sum basis.

**Construction Services** will include: the CM acting as the Constructor, competitively bidding, and holding all subcontractor contracts for the construction of the Project improvements with compensation based on one of the two following options, which option shall be determined by NJEDA at its sole discretion on or before 90 percent design completeness:

- Cost of the Work Plus a Fee with a Guaranteed Maximum Price (GMP); or

- Cost of the Work Plus a Fee without a Guaranteed Maximum Price (GMP).

If selected to receive a Request for Proposal (RFP), Respondents will be required to submit proposed fee schedules for both scenarios with their proposals.

Please see **Exhibit D** for a map summarizing the Port development.

The NJEDA is issuing this RFQ to develop a short list of at least three (3) (if three qualified submissions are received) but no more than five (5) firms whose qualifications make them the most qualified for the specific services required for the Port as outlined in this RFQ. The short-listed firms will receive a separate Request for Proposal (RFP) to provide the requested CM services. The goal of the two-step process is to select the highest ranked firm for the Port. NJEDA staff will recommend to the NJEDA Board that a contract be awarded to the highest ranked firm, based upon technical qualifications, fees, and other information submitted in the proposals received in response to the RFP.

In accordance with applicable law, prior to release of the RFP to provide the requested CM services, the NJEDA retains the right at its sole discretion to modify, expand, or delete any portion of the scope of services and/or other details which have been provided in this RFQ.

In addition, the NJEDA reserves the right to determine at its sole discretion, at any time, not to proceed with the Port, or any portion of the Port development, and, in such circumstances, to reassess the order of the Port development, if such action is in the NJEDA's best interest based upon budgetary, policy, and fiscal considerations.

## **B. PORT DEVELOPMENT SUMMARY**

The NJEDA intends to design and construct the Port in two phases as outlined below.

### **1. Phase One of the Port (Phase One).**

Please see Exhibit H for description of Phase One.

Please see Exhibit D for conceptual site plans.

Phase One construction is targeted to be completed by the beginning of Quarter 2 2023 in order to meet potential tenant's requirements for the first tranche of East Coast offshore wind projects.

In order to meet the project's required timetable, the design and construction of Phase One will be broken down into three or more work packages including but not limited to:

- Earthworks;
- Dredging; and
- Wharf and Other Port Improvements.

The Design Development of these work packages has already commenced, and it is anticipated that by the time the CM is selected and the contract is awarded (estimated to be the end of January 2021), Design Development for each work package will be at the following levels of completeness:

- Earthworks – 90 percent;
- Dredging – 45 percent;
- Wharf and Other Port Improvements – 45 percent.

Upon receipt of financing, the NJEDA, at its sole discretion, may issue to the CM a Notice to Proceed for Preconstruction Services for Phase One. NJEDA's issuance of a Notice to Proceed for Preconstruction Services is subject to NJEDA's determination, at its sole discretion, of the availability of financing. **NJEDA shall have no responsibility or liability to the CM for not issuing the Notice to Proceed.**

Preconstruction Services for Phase One will require the CM to work with the Design Engineer at these levels of completeness of design.

Upon receipt of financing, and once the design and construction documents are complete, the NJEDA, at its sole discretion, may issue to the CM multiple Notices to Proceed for Construction Services for Phase One work packages. NJEDA's issuance of a Notice to Proceed for Construction Services for each Phase One work package is subject to

NJEDA's determination, at its sole discretion, of the availability of financing. **NJEDA shall have no responsibility or liability to the CM for not issuing any Notice to Proceed or for issuing some but not all the Notices to Proceed.**

Phase One Construction Services will include Construction Administration and Commissioning. The firm selected to provide these services will be required to competitively bid the construction by establishing work packages, developing a list of potential bidders for each work package, sending a courtesy list of potential bidders to NJEDA, sending work package to potential bidders, receiving and reviewing bids, descoping with subcontractors to confirm their understanding of scope, negotiating price and delivering the bids to the NJEDA and the Design Engineer with an indication as to which bids the CM proposes to accept. Subject to the CM Agreement, the NJEDA may review the CM's proposed subcontractors and may accept or object to a proposed subcontractor. All subcontractors will be subcontractors to the CM and not to the NJEDA.

Due to the required timetable for Phase One, Preconstruction Services and Construction Services may overlap (i.e., certain critical path work packages will reach final design and progress to construction before other non-critical path work packages). Construction on certain critical path work packages may start as early as end of Quarter 1 2021 / beginning of Q2 2021, with Phase One completed by early Quarter 2 2023.

**2. Phase Two of the Port (Phase Two)**

Please see Exhibit H for description of Phase Two.

The timetable for the completion of the improvements on these Parcels varies, with the earliest (Parcel D) being approximately mid-2024 and the latest (Parcel B and C) being approximately early-2026.

High-level conceptual design for Phase Two is currently underway. Construction of Phase Two is targeted to begin in Quarter 3, 2023.

Upon receipt of financing, the NJEDA, at its sole discretion, may issue to the CM a Notice to Proceed for a portion of the Preconstruction Services for Phase Two. NJEDA's

issuance of a Notice to Proceed for a portion of the Preconstruction Services is subject to NJEDA's determination, at its sole discretion, of the availability of financing. **NJEDA shall have no responsibility or liability to the CM for not issuing the Notice to Proceed.**

The CM will work with the Phase Two Design Engineer to deliver the full range of Preconstruction Services including Schematic Design, Design Development, and the development of Construction Documents.

After a significant portion of the Preconstruction Services are completed, the NJEDA will work with the CM and Design Engineering firm to develop appropriate work packages and a comprehensive development budget. Upon approval and confirmation of financing for Phase Two, NJEDA, at its sole discretion, may require the completion of the remaining Preconstruction Services and may issue to the CM multiple Notices to Proceed for Phase Two work packages. **NJEDA shall have no responsibility or liability to the CM for not issuing any Notice to Proceed or for issuing some but not all the Notices to Proceed.**

Phase Two Construction Services will include Construction Administration and Commissioning. The construction of Phase Two may depend on the identification of tenants to occupy Phase Two parcels and the NJEDA may issue separate notices to proceed for each parcel for Phase Two Construction Services. NJEDA's issuance of a Notice to Proceed for Construction Services for any Phase Two parcel is subject to NJEDA's determination, at its sole discretion, of the availability of financing. **NJEDA shall have no responsibility or liability to the CM for not issuing any Notice to Proceed or for issuing some but not all the Notices to Proceed.**

Construction Services for Phase Two will be provided for a percentage of Cost of the Work Plus a Fee with, or without, a GMP, using the same fees quoted for Phase One. If selected to receive an RFP, Respondents will be required to submit proposed fee schedules for both scenarios with their proposals.

**C. ELIGIBILITY REQUIREMENTS**

## 1. Joint Ventures

Joint Ventures (JV) may be considered for this RFQ. In order for a JV's qualifications to be ranked, the proposed JV must identify which firms will be participating, identify which of the participating firms will be the lead Project Manager, as well as identify, in a narrative, the scope of work for which each participating firm will be responsible. Additionally, each proposed firm in the JV will be required to submit the Contractor's Qualification Statement and RCM-1 (**Exhibits A-1 and A-2**) relative to their intended scope of work.

**NOTE:** If selected to receive an RFP, the JV should be aware that it will be required to provide the JV agreement between the parties with the JV's Proposal. Authorized signatories from each party comprising the JV must sign the Signatory Page. Each party to the JV must individually comply with all the compliance documentation requirements in **Exhibits E and F**.

## 2. Construction Managers as Agent or Owner's Representative

The NJEDA **DOES NOT** seek the services of an agent construction manager, owner's representative, or a client advocate (CM Agent). To be considered eligible, the firm must demonstrate that its current and past experience has been on projects where it acted as the Constructor and held contracts with subcontractors directly. All submitted projects must be where the CM was at-risk.

## D. RANKING CRITERIA

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

1. An understanding of the Port development scope;
2. Specialized experience in construction of projects where budget and schedules are primary considerations;
3. Experience as a CM performing construction services on similar projects (including marine facility development projects of similar size, scope and complexity as the Port, if any, and other NJEDA projects, if any), where the CM

- was the Constructor (not a CM agent) and held the contracts with subcontractors;
4. Experience as a CM performing preconstruction services (scheduling, cost estimating, value engineering, etc.) on projects of similar size, scope and complexity (including marine facility development projects of similar size, scope and complexity as the Port); and
  5. Experience engaging with local, state, and federal agencies for plan review, permitting and construction inspections on projects of similar size, scope, and complexity (including marine facility development projects of similar size, scope and complexity as the Port). (Specific experience with the NJ Department of Community Affairs (NJDCA), NJ Department of Environmental Protection (NJDEP) and the US Army Corps of Engineers (USACE), which are relevant to this project, will be valued more highly than experience with other agencies).
  6. Experience of Respondent in structuring efforts to meet SBE, DBE and similar goals on similar projects (including marine facility development projects of similar size, scope and complexity as the Port) and in following its efforts and plans around increasing diversity and inclusion in its own workforce; and

## **E. SUBMITTAL REQUIREMENTS**

The following are the required components of a firm's Qualifications Submittal.

When preparing your firm's Qualifications Submittal in response to this RFQ, keep in mind that, in this RFQ, the word "shall" or "must" denotes submittal items which are mandatory for a Qualifications Submittal to be complete; the words "should" or "may" denotes submittal items which are recommended, but not mandatory.

1. *Contractor's Qualification Statement.* Respondents must submit a completed copy of the Contractor's Qualification Statement - AIA Document A305 and its Exhibits, attached as **Exhibit A-1** for this RFQ and a narrative describing the specific experience of the firm related to this type of project. (Please see Item #1 on Exhibit C – Qualification Checklist).

The RFQ, Contractor's Qualification Statement - AIA Document A305, and the

RCM-1 (see below) will be available commencing on **Monday, November 30, 2020** on the NJEDA website at <http://www.njeda.com/rfq.asp> (Bidding Opportunities - Notices of Request for Qualifications and Proposals), **RERFQ-000047**.

**IMPORTANT:** The Contractor's Qualification Statement - AIA Document A305 is specific to this RFQ. It is not to be mistaken with Contractor Classification Forms issued by other State entities. These forms are separate and distinct.

2. *List of Similar Projects - RCM-1 (Exhibit A-2)*. Firms must follow the organization of the Exhibit A-2 and include a list of no more than twelve similar completed projects that best demonstrate the firm's capabilities, qualifications and relevant experience as a Constructor (not as a CM agent) in construction of similar facilities, including marine facility development projects of similar size, scope and complexity as the Port. (Please see Item #2 on Exhibit C-Qualification Checklist).

The NJEDA will consider projects actually performed by offices specifically identified by the Respondent to perform the scope of services described in this RFQ as more relevant than those projects performed by other offices. Where applicable, if key personnel from projects performed by other offices could be reasonably expected to support the NJ Wind Port project, that fact should be noted in the Exhibit and that project will be considered more relevant than other projects.

**Note:** the NJEDA expects, and will check, that these key personnel are then also included on the proposed project team should a Respondent firm be invited to submit an RFP.

3. *Relevant Experience*. The Respondent must list and identify relevant experience of all anticipated key project subconsultants that will be assembled to complete the scope of services described in this RFQ. When identifying relevant experience, Respondents shall provide a description of relevant experience for any subconsultant intended to be utilized for this project. (Please see Item #3 on Exhibit C-Qualification Checklist).

4. *Statement of Bonding Capacity*. The Respondent must include a statement and/or certificate of the firm's current bonding capacity issued by a surety company licensed to

do business in the State of New Jersey. (Please see Item #4 on Exhibit C-Qualification Checklist).

5. *Narrative Understanding of the Port Project Scope.* Respondents must include a narrative describing the firm’s understanding of the Port development scope and the Respondent’s approach to successfully delivering the Port. (Please see Item #5 on Exhibit C-Qualification Checklist).

6. *Diversity and Inclusion Narrative.* Respondents must provide details on its experience structuring efforts to meet SBE, DBE and similar goals on similar projects (including marine facility development projects of similar size, scope and complexity as the Port). The Respondents should provide a narrative description of past efforts and plans to increase diversity and inclusion in terms of its own workforce. (Please see Item #6 on Exhibit C-Qualification Checklist).

7. *Acknowledgment of Receipt of Addenda/Q&A Form.* Respondents must submit the attached Acknowledgement of Receipt of Addenda / Q&A form as part of their submission, refer to **Exhibit B**. (Please see Item #7 on Exhibit C-Qualification Checklist).

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

- Reject any submission which is not in compliance with the terms of the RFQ or any part thereof;
- Request clarifications of a document or the contents thereof submitted in response to this RFQ; or
- Terminate the selection process at any time.

The NJEDA reserves the right to waive minor elements of non-compliance of a firm’s submission with regard to the requirements outlined in this RFQ.

## **F. DIVERSITY AND INCLUSION**

In his June 17, 2020 announcement of the New Jersey Wind Port project, Governor Murphy indicated that the project would “set a new standard for women and minority inclusion” in the construction of the port. The NJEDA currently has SBE goals. This Project includes a goal of awarding fifteen percent (15%) of the total contract value to subcontractors, equipment lessors and/or material suppliers that qualify as minority, women, and veteran owned firms (“MWVBE”). Failure to meet the minimum goal placed on this project, or to provide a “good faith effort” to meet the minimum goal, may constitute a breach of contract and may result in termination of the agreement or contract by the NJEDA or such other remedy as the Authority deems appropriate.

## **G. PROJECT LABOR AGREEMENT**

As authorized by N.J.S.A. 52:38-1 et seq., the CM will be required to enter into a project labor agreement(s).

## **H. PREVAILING WAGE AND CONTRACTOR REGISTRATION**

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

- The payment of prevailing wages, and the registration of contractors, will be required for all applicable work pursuant to all appropriate prevailing wage and contractor registration laws, which may include, but are not limited to, N.J.S.A. 34:1B-5.1, N.J.S.A. 34:11-56.25 et seq. , and N.J.S.A. 34:11-56.48 et seq. This project shall conform to all State laws including N.J.S.A. 34:11-56.48 et seq., requiring apprenticeship programs for public works.

## **I. BUY AMERICAN REQUIREMENTS**

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

Subject to N.J.S.A. 52:32-1 et seq. and NJSA 52:33-1 et seq., and to the exceptions contained in those statutes, only manufactured and farm products of the United States

and only domestic materials shall be acquired or used to complete the Port and all subcontractor services performed in connection with or as part of the Port shall be performed within the United States.

## **J. COMPLIANCE AND INSURANCE REQUIREMENTS**

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

Construction related Compliance (**Exhibits E-1 through E-8**) and general Compliance Requirements (**Exhibit F-1 through F-14**) are attached to this RFQ FOR INFORMATIONAL PURPOSES ONLY.

Insurance Requirements as outlined in **Exhibit G** are attached to this RFQ FOR INFORMATIONAL PURPOSES ONLY.

Only those firms who receive and choose to respond to the subsequent RFP will be required to complete and return the required compliance forms with the proposal submission.

If awarded, the successful entity agrees that it shall comply with all requirements of these provisions. If the successful entity fails to comply with the requirements of these provisions, the NJEDA may declare any contract for these services void.

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

## **K. SUBSEQUENT ISSUANCE OF RFP**

The “short-listed” firms which are selected to receive the RFP package as a result of this RFQ will have their proposals evaluated based on evaluation criteria which will likely include the following; however, EDA may, at its sole discretion, modify the RFP evaluation criteria. Final RFP evaluation criteria will be listed in the RFP.

- 1. Ability to execute the project scope** as described, as demonstrated by:
  - Understanding of the Port development scope;
  - Project and management approach to delivering on the scope of services requested;
  - Quality control and safety plans
  - Plan to award fifteen (15%) percent of subcontracts to MWVLBEs.
- 2. Experience of key project staff** relative to projects of similar size, scope, and complexity;
- 3. Firm-level experience** relative to projects of similar size, scope, and complexity, as demonstrated by:
  - Specialized firm-level experience in construction of projects where budget and schedules are primary considerations;
  - Experience as a CM offering Construction Services on similar projects (including marine facility development projects of similar size, scope and complexity as the Port, if any, and other NJEDA projects, if any), where the CM was the Constructor (not as a CM agent) and held the contracts with subcontractors;
  - Experience as a CM offering Preconstruction Services (scheduling, cost estimating, value engineering, etc.) on projects of similar size, scope and complexity (including marine facility development projects of similar size, scope and complexity as the Port);
  - Experience engaging with local, state, and federal agencies for plan review, permitting, and construction inspections on projects of similar size, scope, and complexity (including marine facility development projects of similar size, scope and complexity as the Port). (Specific experience with the NJ Department of Community Affairs (NJDCA), NJ Department of Environmental Protection (NJDEP) and the US Army Corps of Engineers (USACE), which are relevant to this project, will be valued more highly than experience with other agencies).
  - Experience in structuring efforts to meet SBE, DBE and similar goals on similar projects (including marine facility development projects of similar size, scope and complexity as the Port) and in following its firm-level

efforts and plans around increasing diversity and inclusion in terms of subcontractors and its own employees.

#### 4. Price

- Phase One Preconstruction Services (Lump Sum)
- Phase Two Preconstruction Services (Fully Loaded Hourly Rates)
- Construction Management Fee for Phase One and Phase Two

## L. QUESTIONS AND/OR CLARIFICATIONS OF THE RFQ

**IMPORTANT:** The NJEDA will not accept any telephone calls regarding the RFQ and RFP process.

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

Any questions and/or request for clarifications regarding the RFQ must be **IN WRITING** and sent to the following e-mail address: [QARED@njeda.com](mailto:QARED@njeda.com). The deadline for questions is **11:00 a.m. on Wednesday, December 16, 2020**. All Addenda, questions and answers with regard to the RFQ will be posted on the NJEDA's website no later than two (2) days prior to the submission due date.

Interested parties are encouraged to frequently check the Bidding Opportunities section of NJEDA's website from the date and time the RFQ is issued, up to and including issuance of final Addenda and Questions and Answers. Information pertaining to **RERFQ-0000047** is available at <https://www.njeda.com/Bidding-Opportunities-General/Bidding-Opportunities-Real-Estate-Procurement-Oppo> - *Bidding Opportunities – Real Estate Procurement Opportunities* which will include any updates, additional information and/or addenda pertaining to this RFQ, as well as, for posted questions and answers.

All addenda to this RFQ will be posted on NJEDA's website and will become part of this RFQ and will be incorporated by reference in the final contract(s). Respondents will be required to be knowledgeable of and acknowledge receipt of all addenda and posted

Questions and Answers as part of its Qualifications Submittal on the attached Acknowledgement of Receipt of Addenda / Q&A form, refer to **Exhibit B**. (Mandatory submittal).

## **M. SUBMISSION OF QUALIFICATIONS**

### **1. DEADLINE**

Completed Qualification Submittals must be received by **1:00 p.m. on Tuesday, January 5, 2021**. **This deadline applies to all submissions regardless of method of submission.**

**IMPORTANT:** Qualifications not received in complete form by the due date and time specified in this RFQ shall not be considered, regardless of method of submission.

### **2. SUBMISSIONS**

To be considered, Qualifications must be received by the Authority by the date and time indicated in Section M.1 (above) of the RFQ. Qualifications received after the specified due date and time shall not be considered. All qualifications, once opened, become property of the Authority and cannot be returned to the Respondent. All qualifications must be submitted as described below.

#### **a. Facsimile Submission of Qualifications**

**IMPORTANT:** Qualifications submitted by facsimile will not be considered.

#### **b. Electronic Submission of Qualifications**

**STRONGLY PREFERRED:** Respondents should submit a complete, signed electronic proposal in Adobe Acrobat Reader .pdf read-only format. The submission must be accessible for viewing by Authority evaluators. Submissions that cannot be accessed by Authority evaluators, including those that are password protected, locked or in a format other than viewable .pdf will not be considered. The subject line of the proposal and all associated documents submitted must be clearly labeled.

**IMPORTANT:** Each file/document uploaded (proposal, attachments, submittals, etc.)

should be named using the following format:

*“Respondent’s Company Name – Qualification Submission RERFP-0000047 – Submission document title.”*

Respondents submitting Qualifications electronically may sign the forms of this RFQ electronically. The Authority will accept the following types of electronic signatures:

- Within Microsoft Word an individual can go to the “Insert” menu then, in the “Text” section select “Add a Signature Line” and enter the signer information.
- Within Adobe Acrobat DC, go to the “Tools” ribbon and select “Fill & Sign”, click “Sign yourself”, then “Add Signature” and enter the signer information

By submitting an electronic signature, the Respondent is agreeing to be bound by the electronic signature.

Scanned physical signatures will also be accepted, provided that the forms are otherwise properly completed.

Electronic qualifications submissions must be uploaded to the Authority’s ShareFile application using the following link <https://njeda.sharefile.com/r-r341455c9552d481>.

**NOTE:** Copy and paste the ShareFile link above into your web browser, press enter and provide information as prompted.

**NOTE:** It is highly recommended that you initiate upload of your Qualification a minimum of four (4) hours prior to the due date and time. This will allow time to identify and troubleshoot any issues that may arise when using the ShareFile application. The Authority shall not be responsible for data transfer delays.

Questions regarding the electronic submission of qualifications (upload of documents) may be directed to [QARED@njeda.com](mailto:QARED@njeda.com).

### **c. Hard Copy Submission of Qualifications**

If submitting a hard copy qualification, it must be delivered in a securely SEALED envelope/package, clearly labeled with the RFQ Number, Title, proposal due date and

Respondent name and address, as indicated below:

**RERFQ-0000047 - AT-RISK CONSTRUCTION MANAGEMENT (CM) SERVICES  
PRECONSTRUCTION AND CONSTRUCTION**

***Qualifications - Due Date***

***Respondent's Name and Address***

In addition to submitting one (1) original qualifications submittal with all required signatures in ink, Respondents must include three (3) duplicate copies of the qualifications for evaluation purposes.

Hard copy qualifications must be delivered to the following address:

Overnight and/or hand delivery service at:

Real Estate Division - Attn: Cathleen Hamilton-Program Manager  
New Jersey Economic Development Authority  
36 West State Street  
Trenton, NJ 08625-0990  
REF: RERFQ-0000047 – NEW JERSEY WIND PORT  
Due Date/Time: 1:00 p.m., Tuesday, January 5, 2021:

Regular Mail services at:

Real Estate Division - Attn: Cathleen Hamilton-Program Manager  
New Jersey Economic Development Authority  
P.O. Box 990  
Trenton, NJ 08625-0990  
REF: RERFQ-0000047 – NEW JERSEY WIND PORT  
Due Date/Time: 1:00 p.m., Tuesday, January 5, 2021:

Directions to this location can be found at <https://www.njeda.com/contact>.

**d. Delivery Delays**

**IMPORTANT:** The Authority shall not be responsible for delivery/postal service delays. Postmark dates will not be considered in honoring date and time of receipt. Respondents using the United States Postal Service for delivery should allow additional time to ensure the proposal is received on time, since postal deliveries are not routed directly to the Authority.

### **3. PUBLIC OPENING:**

Qualifications will be publicly opened on DATE at TIME at which time the name and office location of the Respondent firm will be read aloud.

It is strongly recommended that Respondents wishing to view the opening do so virtually by accessing the Microsoft Teams Live Event link which will be active on the date and time of the opening and posted on the NJEDA website at <http://www.njeda.com/rfq.asp> (Bidding Opportunities - Real Estate Procurement Opportunities), RERFQ-0000047.

Due to current Covid-19 restrictions and Executive Order No. 196, in person attendance is discouraged and will be limited to a total of 10 persons. NJEDA anticipates that 5 staff members will be present. Additionally, attendance by Respondents is limited to one representative per firm. Accordingly, any persons wishing to attend in person are required to register with the Authority no later than DATE. In order to reserve space for an in person opening, Respondents must send a request to [QARED@njeda.com](mailto:QARED@njeda.com) with the subject line "RERFQ-0000047 – NEW JERSEY WIND PORT-opening". Space will be reserved on a first come, first served basis for Respondents. All in person attendees will be required to comply with current Covid-19 guidelines. Attendees will be required to complete a thermal screen and a health questionnaire and undergo a temperature check prior to admittance. NJEDA reserves the right to deny entry to persons based on the questionnaire responses or temperature check. Respondents who do not pass these guidelines are permitted to have an alternative representative from the same firm attend in their place. Proper social distancing and the wearing of masks will be enforced. No one will be allowed entrance to the building unless a facemask is worn.

Members of the public will only be permitted to attend the in person opening if their admittance does not exceed the limitation on attendees. Attendance of Respondents will take priority over the attendance of the public. It may be necessary to cancel pre-registered attendance of a public member to accommodate attendance by a Respondent.

NJEDA may reduce the number of persons permitted to attend the in person opening in the event subsequent Executive Orders further restricting attendance at gatherings are

issued. Respondents are encouraged to frequently check the Bidding Opportunities section of NJEDA's website for information on attendance restrictions pertaining to RERFQ-0000047 at <http://www.njeda.com/rfq.asp> - Bidding Opportunities – Real Estate Procurement Opportunities.

**IMPORTANT:** The Authority will not be held responsible for any health issues that may arise as a result of attendance at the opening.

#### **N. INSPECTION OF RFQ RESPONSES**

Responses to this RFQ can be released to the public pursuant to the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., or the common law right to know. After the opening of responses, all information submitted by a firm in response to this RFQ is considered public information subject to OPRA notwithstanding any disclaimers to the contrary submitted by a Respondent. Proprietary and confidential information may be exempt from public disclosure by OPRA and/or the common law.

As part of its response to this RFQ, a Respondent may designate any data or materials it asserts are exempt from public disclosure under OPRA and/or the common law, explaining the basis for such assertion. The Respondent must provide a detailed statement clearly identifying those sections of the response that it claims are exempt from production, and the legal and factual basis that supports said exemption(s) as a matter of law. The Respondent must also provide a redacted copy of the response indicating the sections identified as confidential. The NJEDA will not honor any attempts by a Respondent to designate its entire response as proprietary or confidential and/or to claim copyright protection for its entire response. If no redacted copy is received, NJEDA shall have the right to release a copy of the response.

The NJEDA reserves the right to make the determination as to what is proprietary or confidential and will advise the Respondent accordingly. Any proprietary and/or confidential information, as determined by the NJEDA, in a response will be redacted by the NJEDA. Copyright law does not prohibit access to a record which is otherwise available under OPRA.

In the event of any challenge to the Respondent's assertion of confidentiality with which the NJEDA does not concur, the Respondent shall be solely responsible for defending its designation, but in doing so, all costs and expenses associated therewith, including, but not limited to, any costs incurred by NJEDA, shall be the responsibility of the Respondent. The NJEDA assumes no such responsibility or liability.

The obligations of the NJEDA to maintain confidential any information or record identified as such is also subject to any other lawful document request or subpoena.

## **EXHIBITS**

Exhibit A-1	Contractor's Qualification Statement - AIA Document A305
Exhibit A-2	RCM 1
Exhibit B	Acknowledgement of Receipt of Addenda / Q&A form
Exhibit C	Submittal Checklist
Exhibit D-	Conceptual Site Plan for Port
Exhibit E-1 through E-8	Construction Related Compliance (Informational Purposes)
Exhibit F-1 through F-14	Compliance (Informational Purposes)
Exhibit G	Insurance Requirements (Informational Purposes)
Exhibit H	Phase One and Phase Two - Description