

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

ENVIRONMENTAL CONSULTING SERVICES ON AN AS NEEDED BASIS

2021-RFP-122

DATE: May 21, 2021

ADDENDUM #1

The following constitutes an Addendum, which can be a Clarification and/or Modification to the above referenced solicitation.

This Addendum is divided into the following parts:

PART 1: Answers to bidder questions; and/or

PART 2: Additions, deletions, clarifications, and modifications to the RFP.

PART 1: Answers to bidder questions;

No.	PART 1: Questions	PART 1: Answers
1.	<u>RFP, Section 1.1</u> The scope specifies performing an environmental site assessment in compliance with current ASTM standards. However, later discussions refer to obtaining a letter of no further action. Current NJDEP regulations require a preliminary assessment completed under NJDEP requirements rather than an ASTM ESA, to support closure of a site. Will EDA accept a Preliminary Assessment (NJDEP requirements) in lieu of an environmental site assessment (ASTM requirements)?	Projects should align with both state (NJDEP) and federal (ASTM) standards. The required standard will be stated in the TOR.
2.	<u>RFP, Section 1.1</u> Have contracts for Environmental Consulting Services on an As Needed Basis been previously awarded and who are the incumbents?	Please be advised that this is a new procurement and the NJEDA does not have an incumbent contractor for Environmental Consulting services.

	<p>If contracts for such services have been previously awarded, what is the typical range in costs for the Task Order Requests?</p>	
<p>3.</p>	<p><u>RFP, Section 1.2</u> Q1. What is the relationship between projects that will be funded under this RFP and the recently created NJEDA Brownfields Loan Program?</p> <p>Q2. What is the relationship between projects that will be funded under this RFP and the Hazardous Discharge Remediation Fund and the Petroleum Underground Storage Tank Fund?</p> <p>Q3. Will funding for projects under this RFP be administered jointly with NJDEP?</p>	<p>Q1. RE division will issue TOR.</p> <p>Q2. No work will be completed under this UST program.</p> <p>Q3. No joint administration with NJDEP.</p>
<p>4.</p>	<p><u>RFP, Section 1.3.6.4</u></p> <p>Section 1.3.6.4 Availability and PSQS states “In order to be considered for this Project, the NJEDA Real Estate Division Professional Services Qualification Statement must be on file or submitted to the Real Estate Division by the deadline date.”</p> <p>Can you please confirm whether we are eligible to respond to this RFP for Environmental Consulting Services if we do not have a PSQS on file with NJEDA Real Estate Division at this time?</p>	<p>Please be guided by the terms and provisions of the RFP and the requirements set forth therein. As referenced, Section 1.3.6.4 provides:</p> <p><i>“Note: Firms that currently have a PSQS on file with the Real Estate Division of the NJEDA are encouraged to update or amend their PSQS in response to the project specific requirements in this RFP, including Item 14 (a) and 14 (b) of the PSQS. Any such PSQS on file with NJEDA, which is older than two years will not be considered by NJEDA.</i></p> <p><i>Important: Please note that the PSQS specific to this advertisement pertains to the NJEDA Real Estate Division. It is not to be mistaken with the NJSDA School Construction and Financing Program Pre-Qualification Form 100, or with Dept. of Treasury, Property Management and Construction (DPMC) form(s). These forms are separate and distinct. In order to be considered for this Project, the NJEDA Real Estate Division Professional Services Qualification Statement must be on file or submitted to the Real Estate Division by the deadline date.</i></p> <p><i>Firms wishing to be considered by the NJEDA Real Estate Division for selection in the future as a potential provider of</i></p>

		<p><i>the type of services described in this RFP in connection with other proposed projects must have submitted to the NJEDA Real Estate Division a current Professional Services Qualification Statement in accordance with the requirements of N.J.S.A. 52:34-9.3.”</i></p> <p>Moreover, Section 4.2.4.1 provides that:</p> <p><i>“The Proposers that meet all the requirements described in this RFP are invited to submit the PSQS and other information describing the specific experience of the firm and key Project team members/sub-consultants related to this type of Project.</i></p> <p><i>Proposers must submit or update a PSQS with information which is specific to the office or branch responding to this particular RFP. Thus, if a local branch office is submitting, list ONLY those employees located at that particular office. If work will be performed outside of the branch office, then the main office should be submitting the RFP and the branch office considered as a sub-consultant.”</i></p> <p>Accordingly, a bidder must have submitted a PSQS to the NJEDA within the past two (2) years and be on file; or submit same no later than with the bid proposal deadline of June 4, 2021. Please be guided accordingly.</p>
<p>5.</p>	<p><u>RFP, Section 1.4.8</u></p> <p>“For purposes of this RFP, the Authority will consider Proposals submitted which may employ the use of Subcontractors and/or subconsultants to satisfy the requirements and deliverables required of the resulting contract.”</p> <p>Should the respondent include remediation contractors as subcontractors in the response, or does the Authority have remediation contractors they prefer to use?</p>	<p>Please be guided by the terms of the RFP and Section 1.4.8. The proposer is to take whatever decision it deems appropriate as to whether to include remediation contractors as subcontractors in the response. Moreover, the Authority has no preferred remediation contractors.</p>
<p>6.</p>	<p><u>RFP, Section 1.4.8</u></p> <p>“See Proposer’s Checklist – Subcontractor Utilization Form, complete & submit, if applicable,” and the</p>	<p>Please be guided by the terms as provided in section 1.4.8. As to completing the subcontractor utilization form, vendors are directed to review and complete to the best of their ability and as appropriate.</p>

	<p>Subcontractor Utilization Form requires the “Estimated Value of Subcontract(s).”</p> <p>Is it acceptable to provide an estimated percentage of the total contract in addition to the estimated numeric value for each subcontractor in order to better estimate this “As Needed” contract?</p>	
7.	<p><u>Section 1.4.8</u></p> <p>Please provide clarification as to what the basis should be for completion of the “Estimated Value of Subcontract(s)” on the Subcontractor Utilization Form</p>	<p>Please be guided by the terms as provided in Section 1.4.8. As to completing the subcontractor utilization form, vendors are directed to review and complete to the best of their ability and as appropriate.</p>
8.	<p><u>RFP, Section 1.4.8</u></p> <p>Because the scope of work for the Task Order Requests is undefined at this time, can subcontractors/subconsultants be identified on an as-needed basis or do they need to be identified at the outset in response to this RFP?</p>	<p>Any Bidder intending to subcontract any parts of a contract with the New Jersey Economic Development Authority must complete a Notice of Intent to Subcontract and a Subcontractor Utilization Plan and submit it with the Proposal. Bidders are instructed to list all proposed subcontractors on the form. If the bidder intends to utilize subcontractors, failure to complete and submit this form with the proposal may result in rejection of the proposal as non-responsive.</p> <p>Moreover as set forth in the subcontractor utilization form, the contractor is to certify that this Subcontractor Utilization Plan is being submitted in good faith; and that each subcontractor has been notified that it has been listed on this Plan and that each subcontractor has consented, in writing, to its name being submitted for this contract. Additionally, the contractor is to certify that it shall notify each subcontractor listed on this Plan, in writing, if the award is granted to its firm and shall make all documentation available to the New Jersey Economic Development Authority upon request.</p>
9.	<p><u>RFP, Section 2.1</u></p> <p>For the “Firm Fixed Price” definition, can it be assumed that sampling equipment is not included as this is something that gets billed on a daily or weekly rate separately from admin costs?</p>	<p>The definition for Firm Fixed Price is “A price that is all-inclusive of direct cost and indirect costs, including, but not limited to, direct labor costs, overhead, fee or profit, clerical support, equipment, materials, supplies, managerial (administrative) support, all documents, reports, forms, travel, reproduction and any other costs. No additional fees or costs shall be paid by the Authority unless there is a change in the scope of work.”</p>

	Please clarify.	This will be specified when the TOR is issued.
10.	<p><u>RFP, Section 3.1</u></p> <p>This section described the scope of work for the Assessment Phase. In some instances the assessment Phase may require assessment beyond a Preliminary Assessment (PA) and may require significantly more time to complete than the timeframes stipulated in Subparagraphs I. and J. of this section. If the PA findings indicate the need for work beyond completion of a PA, will the follow-on work be guided by the scope, schedule and budget submitted in an additional proposal by the consultant for that additional work?</p>	If further site investigation is needed, a subsequent TOR will be issued.
11.	<p><u>RFP, Section 3.1E</u></p> <p>Is the “additional testing” referring to testing of samples beyond what is required in the Field Sampling Procedures Manual? The Field Sampling Procedures Manual does not have a section 5.14.</p>	The additional testing and more specifically the reference to section 5.14 is referring to Section 5.14 of the RFP starting on page 36 and addresses “Additional Work and/or Special Projects.”
12.	<p><u>RFP, Section 3.1F</u></p> <p>This section mentions “Lump Sum Fee” in the last sentence. Will site-specific proposals submitted in response to a Task Order Request be authorized by issuance of a “Site Assessment Notice” for a Lump Sum fee? Will proposals for work beyond the PA as described in the preceding question also be authorized as Lump Sum assignments?</p>	The goal is for lump sum proposals, unless the situation requires something on a T&M basis.

13	<p><u>RFP, Section 3.1J</u> To adhere to the 30-day requirement to submit the Site Assessment Report, any necessary sampling would require expedited Turn Around Time so would this additional cost be acceptable?</p>	<p>To be determined on a case by case basis depending on specific scope we are requesting pricing for. Provide alternate pricing for expedited turn-around.</p>
14.	<p><u>RFP, Section 3.1 J(6)</u> For UST abandonment or closure, can the subcontractor be one the consultant/proposer chooses? (see last sentence in this section)</p>	<p>No, the EDA will contract for the work. The consultant will monitor the said work.</p>
15.	<p><u>RFP, Section 3.2K</u> The scope includes a requirement to prepare a final report under the terms of EDA's Memorandum of Agreement (MOA) or other appropriate document. Is a copy of the MOA available for review by the Bidders?</p>	<p>There are currently no MOA's to provide at this time.</p>
16.	<p><u>RFP, Section 3.4 A</u> Is the statement "no economic relationship" referring to having a contract with a laboratory or whether or not the consultant EVER uses the lab services? Please clarify "No Economic Relationship"</p>	<p>Section 3.4A, provides that "All laboratory testing and analyses of soil and/or water samples shall be performed by an NJDEP-certified laboratory having no economic relationship with the Consultant." There is to be no affiliation with or financial benefit from such laboratories.</p>
17.	<p><u>RFP, Section 3.4 B</u> To meet the 30-day requirement, shouldn't it be assumed all lab requests be on an expedited Turn Around</p>	<p>Section 3.4B provides that "The Consultant shall be required to submit all samples to the laboratory within 48 hours after the samples have been taken. The EDA may, at its discretion, direct that samples be analyzed on an expedited basis."</p>

	<p>Time? If the EDA directs the Consultant to have samples analyzed on an expedited basis, can the extra fee from the laboratory be billed to the EDA?</p>	<p>Additional fees for expedited Turn Around Time will only be paid, if NJEDA and consultant have agreed (in writing) upon the need for the expedited TAT and the additional fees. Please see answer to #13 above. Provide alternate rates for expedited services if required.</p>
<p>18.</p>	<p><u>RFP, Section 3.5</u></p> <p>Can clarification be provided as to what parameters are used to determine the Initial Evaluation Ranking?</p>	<p>Please review Section 6.7 and its sub-provisions that provide for the Evaluation Criteria. As the RFP provides the “following evaluation criteria categories, not necessarily listed in order of significance, will be used to evaluate Proposals received in response to this RFP. The evaluation criteria categories may be used to develop more detailed evaluation criteria to be used in the evaluation process.” The criteria categories are as follows:</p> <ul style="list-style-type: none"> • Personnel; • Experience of entity; • Ability of the entity to complete the Scope of Work based on its Technical Proposal; and • Proposer’s Fee Schedule
<p>19.</p>	<p><u>RFP, Section 3.5 F</u></p> <p>What is to be included in an “Appraisal Report”? Is an Appraisal Report equivalent to a Site Assessment Report?</p>	<p>Section 3.5F provides that “If no conflict exists, the Contractor must return a completed TOR Vendor Response Form, Exhibit B3, to the Authority’s Designated Contract Manager within five (5) business days. The TOR Vendor Response Form, Exhibit B3, shall include a lump sum cost estimate, by positions and All-inclusive Hourly Rates consistent with the Contractor’s submitted Fee Schedule, to prepare the appraisal report or complete the Special Appraisal Services. The Authority will approve the cost estimate or revise the estimate as it sees fit.”</p> <p>The reference to the “appraisal report” should be reflected as “site assessment report.” Said modification will be reflected below and changed accordingly.</p>

20.	<p><u>RFP, Section 3.5F</u></p> <p>The scope of work discussed in this section specifies preparation of an appraisal report or complete the Special Appraisal Services. We can find no other reference to the development of an appraisal. Is there a specific scope or list of requirements for development of an appraisal for a given site?</p>	Please see answer to question number 19.
21.	<p><u>RFP, Section 4.2</u></p> <p>Section 4.2 Proposal Content and Submission Order states the proposal should be submitted in one (1) volume divided into four (4) sections, and Section 4.2.3 Section C – Fee Schedule states that the Fee Schedule is to be uploaded separately.</p> <p>Can you please confirm whether the proposal should be uploaded as one (1) file - inclusive of the four sections, two (2) files – with sections A, B & D in a single volume and section C separately in excel, or four (4) files – corresponding to the four sections of the volume?</p>	<p>Please be guided by the terms and provisions of the RFP and the requirements set forth therein. As referenced, Section 4.2 provides for the proposal content and submission order and that the proposal should be submitted in one (1) volume divided into four (4) sections.</p> <p>The proposal must contain the following documentation, as noted and should be submitted in one (1) volume and that volume divided into four (4) separate sections with the content of the material labeled and located behind each tab, as indicated below:</p> <p><i>“One Volume</i> <i>Section A (REQUESTED SUBMISSION WITH BID PROPOSAL)</i> <i>Cover Letter</i></p> <p><i>Section B* (MANDATORY SUBMISSION WITH BID PROPOSAL)</i> <i>Technical Proposal;</i> <i>Organizational Qualifications;</i> <i>Experience; and</i> <i>Miscellaneous Information.</i></p> <p><i>Section C* (MANDATORY SUBMISSION WITH BID PROPOSAL)</i> <i>Fee Schedule</i></p> <p><i>Section D</i> <i>Required Compliance Documentation”</i></p> <p>Please be guided accordingly.</p>
22.	<p><u>RFP, Section 4.2</u></p> <p>This section indicated that the proposals should be divided into four (4) separate sections</p>	Please be guided by the terms and provisions of the RFP and the requirements set forth therein.

<p>with the content of the material labeled and located behind each tab, as indicated below:</p> <p>§ B* (MANDATORY SUBMISSION WITH BID PROPOSAL) Technical Proposal; Organizational Qualifications; Experience; and Miscellaneous Information.</p> <p>However, on page 23, the 2nd paragraph list the Proposal Section B requirements as:</p> <p>I. Description & Documentation of Proposer’s Prior Experience and Qualifications; II. Management Overview and Technical Approach to Achieve the Scope of Work; III. Organization Chart, if applicable and not a sole proprietor; IV. Key Team Member List, if applicable and not a sole proprietor; V. Resumes of Key Team Members; VI. References (minimum of three references are required); and VII. Financial Capability of the Proposer.</p> <p>Please advise which of these lists reflects the proper order and tab headings desired for Section B?</p>	<p>A Proposal must contain the following documentation, as noted and should be submitted in one (1) volume and that volume divided into four (4) separate sections with the content of the material labeled and located behind each tab, as indicated below:</p> <p>One Volume Section A (REQUESTED SUBMISSION WITH BID PROPOSAL) Cover Letter</p> <p>Section B* (MANDATORY SUBMISSION WITH BID PROPOSAL) Technical Proposal; Organizational Qualifications; Experience; and Miscellaneous Information.</p> <p>Section C* (MANDATORY SUBMISSION WITH BID PROPOSAL) Fee Schedule</p> <p>Section D Required Compliance Documentation</p> <p>Furthermore, please review section 4.2.2 as to Section B, that provides;</p> <p>In this section, the Proposer must set forth its understanding of the requirements of this RFP and its ability to successfully complete the contract. The Proposer shall describe its approach and plans for accomplishing the work outlined in the Scope of Work, Section 3.0. The Proposer must include information relating to its organization, personnel, and experience, including, but not limited to,</p> <p>references, together with contact names and telephone numbers, evidencing the Proposer’s qualifications, and capabilities to perform the services required by this RFP.</p> <p>This section of the Proposal must, at a minimum, contain the information identified below: Submit your Technical Proposal as Section B in the following order: I. Description & Documentation of Proposer’s Prior Experience and Qualifications; II. Management Overview and Technical Approach to Achieve the Scope of Work; III. Organization Chart, if applicable and not a sole proprietor;</p>
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		<p>IV. Key Team Member List, if applicable and not a sole proprietor; V. Resumes of Key Team Members; VI. References (minimum of three references are required); and VII. Financial Capability of the Proposer. The Proposer should include the level of detail it determines necessary to assist the evaluation committee in its review of Bidder's Proposal.</p> <p>Please proceed accordingly.</p>
23.	<p><u>RFP, Section 4.2C</u></p> <p>Does the NJEDA expect LSRP services to be provided by the on-call consultant?</p>	Yes, as stated in the TOR.
24.	<p><u>RFP, Section 4.2C,</u></p> <p>Will EDA require the consultant to complete any administrative reporting related to federal and/or state funding sources as part of this contract or will the work be purely technical in nature?</p>	It is a possibility and will be stated in the TOR.
25.	<p><u>RFP, Section 4.2.2 I</u></p> <p>Does the required experience in conducting PA/SI/RI need to be specifically for government entities, or is PA/SI/RI experience in general for various private and public entities acceptable?</p> <p>Does the required experience in conducting PA/SI/RI need to be specifically for on-calls or project specific?</p>	The experience should be in relation to NJDEP requirements.
26.	<p><u>RFP, Section 4.2.2</u></p> <p>Under section "I. Description & Documentation of Proposer's Prior Experience and Qualifications" of the RFP,</p>	As set forth in the RFP, Section 4.2.2, the Proposer must set forth its understanding of the requirements of this RFP and its ability to successfully complete the contract. The Proposer shall describe its approach and plans for accomplishing the work outlined in the Scope of Work,

	<p>three references are requested. Then on RFP Page 25, under section “VI. References”, three client references are also requested. Can you please clarify where the references should go?</p>	<p>Section 3.0. The Proposer must include information relating to its organization, personnel, and experience, including, but not limited to, references, together with contact names and telephone numbers, evidencing the Proposer’s qualifications, and capabilities to perform the services required by this RFP.</p> <p>This section of the Proposal must, at a minimum, contain the information identified below:</p> <p>Submit your Technical Proposal as Section B in the following order:</p> <ul style="list-style-type: none"> I. Description & Documentation of Proposer’s Prior Experience and Qualifications; II. Management Overview and Technical Approach to Achieve the Scope of Work; III. Organization Chart, if applicable and not a sole proprietor; IV. Key Team Member List, if applicable and not a sole proprietor; V. Resumes of Key Team Members; VI. References (minimum of three references are required); and VII. Financial Capability of the Proposer. <p>The Proposer should include the level of detail it determines necessary to assist the evaluation committee in its review of Bidder’s Proposal.</p> <p>Please be guided accordingly.</p>
<p>27.</p>	<p><u>RFP, Section 4.2.2 I</u> Q1. Section requires three references. On Page 25 the requirement for proposal Section B, Tab VI also asks for three references to be presented.</p> <p>Q2. Is this a duplication, or are we required to provide (6) references total?</p>	<p>Q1. Three (3) references are to be provided.</p> <p>Q2. Duplication.</p>
<p>28.</p>	<p><u>RFP, Section 4.2.2 III</u></p> <p>Section provides for Organization Chart, if applicable (not required for a sole proprietor) indicates;</p> <p>Q1. Provide an organization chart that must include all key</p>	

	<p>team members, their labor category, and titles for this engagement. For the purposes of this engagement, a “key team member” is identified as having a responsible role in the successful completion of the services requested pursuant to this RFP and who generally spends or is expected to spend twenty (20) percent or more of his/her time on this engagement.</p> <p>Since this is a TOR contract, how can we determine 20% engagement of staff in advance of a project-specific scope of work?</p>	<p>Q1. A general outline of the projected workforce could be acceptable. These are conditions of a general scope that each firm would/should have an idea of the labor required. Obviously, specifics are unknown at this point, but in general terms, each firm can feasibly project who will be working on the environmental projects and to what extent.</p>
<p>29.</p>	<p><u>RFP, Section 4.2.2</u></p> <p>This Section mentions “VII. Financial Capability of the Proposer” however no other section in the RFP provides details on what information EDA is looking for in this section. Could the EDA please elaborate on what information you would like to see in this section?</p>	<p>Please be advised there is no Section VII as to “Financial Capability of the Proposer” within section 4.2.2 and does not have to be provided.</p>
<p>30.</p>	<p><u>RFP, Section 4.2.3</u></p> <p>The last paragraph of this subsection indicates that Proposers shall not add additional positions/titles or fees to the fee schedule unless specifically added as the result of an Addendum issued for this solicitation. Based on the scope of work described in the RFP, significantly more positions than those presented in the Fee Schedule would normally be engaged in the work. Specifically, the fee schedule only addresses management positions. We</p>	<p>The Fee Schedule provides for following:</p> <ul style="list-style-type: none"> • senior executive / manager. • mid-level manager. • low-level (or similar title); and • administrative / support staff. <p>Respectfully, the Authority will maintain these categories and not modify same.</p>

	<p>respectfully request to be able to add a variety of technical positions that would be appropriate for the work.</p>	
<p>31.</p>	<p><u>RFP, Section 4.2.3 C</u></p> <p>Should direct costs (i.e., mileage, report production, copies, AutoCAD, plotter, equipment rental, etc.) included in the Fee Schedule for this submission?</p>	<p>Please be guided by the terms of the RFP and Section 4.2.3C.</p> <p>The Proposer must submit its pricing using the format set forth on the Fee Schedule accompanying this RFP. Proposers are NOT permitted to alter or change the provided Fee Schedule format/category designations, except to add additional lines in a category heading, if applicable. Any additional or supplemental versions of the Authority-supplied Fee Schedule will not be accepted and may result in the Proposer’s Proposal deemed non-responsive.</p> <p>If the Proposer will supply an item on a price line free of charge, the Proposer must indicate “No Charge” on the Authority-supplied Fee Schedule accompanying this RFP Solicitation. The use of any other identifier may result in the Proposer’s Proposal being deemed non-responsive.</p> <p>All pricing shall remain firm for the initial three (3) year term of the Contract. The Proposer may indicate an annual percentage price escalator for the two (2), one (1) year Contract extension options in the space provided on the Fee Schedule. If the Proposer is not including a price escalator, it should indicate “N/A” in the space provided. If the price escalator space on the Fee Schedule is left blank, it will be read as though no escalation is included in the proposed pricing and pricing shall remain firm throughout any contract extensions.</p> <p>Note: Failure to submit hourly rate pricing or altering the format of the Fee Schedule will result in the proposal being considered nonresponsive. Merely attaching the Proposer’s billing schedule or price list is not acceptable.</p> <p>For each TOR, the Contractor will be asked to submit a not-to-exceed total price, based on the All-inclusive Hourly Rates specified on the Fee Schedule for the Position/Title listed and the total number of hours each Position/Title will require to complete the services. Billing will be based on actual hours expended on a given project, as provided on the TOR.</p> <p>Important: if the Proposer is uncertain of the fees to be indicated on the Fee Schedule or if it intends to assess fees in addition to those indicated therein, it should submit an inquiry during the Questions and Answers Period designated</p>

		<p>for this solicitation. Proposers shall not add additional positions/titles or fees to the Fee Schedule unless specifically added as the result of an Addendum issued for this solicitation.</p>
<p>32.</p>	<p><u>RFP, Section 4.2.3C</u></p> <p>Q1.Can EDA provide any additional descriptions or guidance on the qualifications/years of experience sought for each of the four categories required on the rate schedule? Q2. Will additional categories be considered by EDA as part of the contract negotiation process following selection?</p>	<p>Q1. Please review and be guided by the terms and language of the RFP and Section 4.2.3C. Please be guided by the terms and vendors are directed to review and proceed to the best of their ability and as appropriate.</p> <p>Q2. Additional categories will not be considered.</p>
<p>33.</p>	<p><u>RFP, Section 4.2.4</u></p> <p>Section D: shows the Mandatory Submission Items denoted with a single *. This would include:</p> <p>PSQS* (MANDATORY SUBMISSION WITH BID PROPOSAL); Signatory Page*(MANDATORY SUBMISSION WITH BID PROPOSAL); Ownership Disclosure* (MANDATORY SUBMISSION WITH BID PROPOSAL);</p> <p>Page 27, Section 4.2.4.5 DISCLOSURE OF INVESTIGATIONS AND OTHER ACTIONS INVOLVING BIDDER FORM (SHOULD BE FULLY COMPLETED AND SUBMITTED WITH BID PROPOSAL) And Page 28, Section 4.2.4.7 SOURCE DISCLOSURE CERTIFICATION (SHOULD BE SUBMITTED WITH THE BID PROPOSAL)</p>	<p>The two additional forms referenced are highly encouraged to be submitted with the bid proposal; and required prior to award.</p>

	<p>Are these two additional forms also mandatory with the bid proposal?</p>	
<p>34.</p>	<p><u>RFP, Section 4.2.4.4</u></p> <p>How can we obtain “Disclosure of Investment Activities in Iran” form as suggested on Page 27, Section 4.2.4.4. of the RFP. The downloadable form on https://www.njeda.com/bidding/ will not open or download.</p>	<p>Please be advised that the Authority has confirmed that the requested forms are available and accessible via the NJEDA website and are located at: https://www.njeda.com/bidding/#forms</p> <p>Furthermore, staff has confirmed with our Information Technology specialists that the documents are accessible. It is suggested that you discuss with your Information Technology department/contact and to please take whatever measures you deem appropriate to access same.</p>
<p>35.</p>	<p><u>RFP, Section 4.2.4.9</u></p> <p>Small Business Set Aside states “There are three (3) forms listed in the RFP Proposer Checklist to be completed and submitted, prior to contract award. These forms include: Set Aside Information Form-Goods & Services; Set-Aside Compliance Certificate-Goods & Services Contracts; and the Proposer’s Small Business Enterprise (SBE) Certificate.”</p> <p>If the respondent is not a SBE, but the subcontractors it is including in its submission are SBE and/or MWBE, should these three (3) forms listed also be completed for the subconsultant firms as well?</p>	<p>Please be advised that Section 4.2.4.9 will be modified as follows:</p> <p>“Authority is required to develop a Set-Aside business plan for Small Business Enterprises (SBEs). The Authority encourages the participation of SBE firms as registered with the New Jersey Department of Treasury, Division of Revenue and Enterprise Services – Business Services Bureau for the services subject to this RFP. Information regarding SBE registration and/or a Minority/Women Business Enterprise (MWBE), a Veteran-Owned Business (VOB) and/or a Disabled Veteran-Owned Business Enterprise (DVOB) certification can be obtained by contacting the Office of Business Services at (609) 292-2146 or at their offices at 33 West State Street, P.O. Box 820, Trenton, NJ 08625-0820 or on-line, via the State’s Business website at: https://www.njportal.com/DOR/SBERegistry/</p> <p>There are two (2) related forms listed in the RFP Proposer Checklist to be completed and submitted, prior to contract award. These forms include: Set Aside Information Form-Goods & Services and the Set-Aside Compliance Certificate-Goods & Services Contracts. The Proposer may submit the Proposer’s Small Business Enterprise (SBE) Certificate, if applicable.”</p> <p>Said modification will be reflected below and changed accordingly. In addition, the aforementioned forms are as to the contractor.</p>

36.	<p><u>RFP, Section 4.2.4.9</u></p> <p>Section 4.2 indicates the need for a “Small Business Subcontracting Set-Aside” form under Section D. Where can we obtain this form. It is not available to download on https://www.njeda.com/bidding/</p>	Please see answer to question 35
37.	<p><u>RFP, Section 4.2.4.9</u></p> <p>Do forms E & F for small business set-asides need to be completed per 4.2.4.9? The first page of the RFQ says small business set-asides are not applicable.</p>	Yes. Said forms are required to be submitted prior to award.
38.	<p><u>RFP, Section 4.2.3.11</u></p> <p>How can we obtain “Two-Year Chapter 51/Executive Order 117 Vendor Certification” form as suggested on Page 30, Section 4.2.4.11 of the RFP. The downloadable form on https://www.njeda.com/bidding/ will not open or download.</p>	<p>Please be advised that the Authority has confirmed that the requested forms are available and accessible via the NJEDA website and are located at: https://www.njeda.com/bidding/#forms</p> <p>Furthermore, staff has confirmed with our Information Technology specialists that the documents are accessible. It is suggested that you discuss with your Information Technology department/contact and to please take whatever measures you deem appropriate to access same.</p>
39.	<p><u>RFP, Section 4.2.4.11</u></p> <p>Can you kindly provide Form G Chapter 51 Disclosure form for our review prior to submission of our response? The link to the form does not work.</p>	<p>Please be advised that the Authority has confirmed that the requested forms are available and accessible via the NJEDA website and are located at: https://www.njeda.com/bidding/#forms</p> <p>Furthermore, staff has confirmed with our Information Technology specialists that the documents are accessible. It is suggested that you discuss with your Information Technology department/contact and to please take whatever measures you deem appropriate to access same.</p>
40.	<p><u>Section 4.2.4.16</u></p> <p>Would we have to submit that subcontractor utilization form for any subcontractors that we would want to use?</p>	<p>Yes. Please review Section 4.2.4.16.</p> <p>All Proposers intending to use a Subcontractor(s) must submit a completed Subcontractor Utilization Form available at: https://www.njeda.com/bidding/#forms.</p>

<p>41.</p>	<p><u>RFP, Section 4.2.4.16</u></p> <p>Surveyor and laboratory services most likely will be required for the work described in this RFP. In our case, this work would be subcontracted. Section 4.2.4.16 indicates that if a subcontractor will be used, a Subcontractor Utilization Form must be submitted. However, 4.2 Section D indicates that the Subcontractor Utilization Form does not have to be submitted with this proposal as denoted by the two asterisks. Please clarify or confirm that the Subcontractor Utilization Form would be submitted as needed prior to contract award.</p>	<p>Pursuant to RFP, Section 4.2, although it is highly encouraged that the subcontractor utilization form be provided with the bid proposal; it is a mandatory submission before contract award.</p>
<p>42.</p>	<p><u>RFP, Section 5.9.1, Data Confidentiality.</u></p> <p>Under current New Jersey rules (N.J.S.A §58:10C-16j and 16k), if an LSRP obtains specific knowledge of a condition that in his independent professional judgement is an immediate environmental concern or that a discharge has occurred, then the LSRP is obligated to notify the NJDEP telephone hotline immediately. Please confirm that NJEDA's data confidentiality conditions are not in conflict with these requirements.</p>	<p>The NJEDA data confidentiality conditions do not conflict with those requirements.</p>
<p>43.</p>	<p><u>Contract, Article 6</u></p> <p>Article 6 indicates; "No project multipliers shall be used in billings submitted under this Contract, as set forth in the proposal." We find no reference to "multipliers" in the RFP. However, we do note that in the RFP, page 19 §3.4 C. indicates that laboratory</p>	<p>See definition of fully loaded hourly rate, Contractor OH&P is intended to be included in that rate. All out of pocket costs will be paid without mark-up.</p>

	<p>expenses are to be billed at cost. Is Article 6 of the T&Cs actually indicating that no overhead or profit may be applied by the Prime Vendor to any subcontractors' expenses incurred for the work?</p>	
<p>44.</p>	<p><u>Contract – Section 7</u></p> <p>An email request was received that set forth: “Our legal team has the following contract modifications (see attached document), would the NJEDA consider these modifications?”</p> <p>The specific request to modify follows:</p> <p>“Indemnification. The Vendor shall defend, indemnify, protect and hold harmless the Authority, and its officers, agents, servants and employees from and against any and all suits, claims, demands, losses or damages of any kind arising out of or claimed to <u>the extent caused by and arise as a result</u> out of any <u>willful misconduct or negligent</u> act, error, or omission on the part of the Vendor, its officers, agents, servants, employees and subcontractors in the performance of services under this Contract. The Vendor shall, at its own expense, appear, defend and pay all <u>reasonable</u> charges for attorneys and all costs and other expenses arising from such suit or claim or incurred in connection therewith. If any judgment shall be rendered against the Authority or its officers, agents, servants, and employees for which indemnification is provided</p>	<p>Respectfully, the NJEDA is not willing to consider or accept the requested modifications.</p>

	<p>under this Section 7, the Vendor shall, at its own expense, satisfy and discharge the same.</p> <p>The Vendor shall be liable to the Authority for any reasonable costs incurred by the Authority to correct, modify, or redesign any technical information, reports, findings, analyses, surveys or drawings generated or produced by Vendor or any Work performed by the Vendor or its subcontractor(s) that is found to be defective or not in accordance with the provisions of the Contract as a result of any negligent act, error, or omission on the part of the Vendor, its officers, agents, servants, employees and subcontractors. The Vendor shall be given a reasonable opportunity to correct any deficiency.</p> <p>The indemnification obligation set forth in Section 7 <u>shall not exceed an amount equal to one-and-a-half times the total fees paid to Vendor under this Agreement</u> is not limited in any way by the insurance coverage required pursuant to Section 7 of this Contract and shall survive the terms of this contract. <u>In no event shall Vendor be liable to client or to any third party for any loss of use, revenue or profit, or for any consequential, incidental, indirect, exemplary, special or punitive damages whether arising out of breach of contract, tort (including negligence) or otherwise.”</u></p>	
45.	<u>Contract – Section 7</u>	

	<p>A request was made to the Authority to replace Section 7 of the Exhibit A, Contract as follows:</p> <p>“7. The Vendor shall indemnify the Authority (including, for the purposes of this paragraph, its officers and employees) against liabilities and expenses arising from third-party claims for death, bodily injury, and property damage, but only to the extent such are caused by the Vendor’s negligent performance of the services under this Contract. The Vendor’s indemnification obligations hereunder are also strictly limited to the extent such are covered by the Insurance required by Section 8 of this contract. The Authority shall be covered as an Additional Insured by the Vendor’s Commercial General Liability and Automobile insurance and shall be entitled to defense of any claim to the extent such defense is provided to the Authority by such insurance.”</p>	<p>Respectfully, the NJEDA is not willing to consider or accept the requested modifications.</p>
<p>46.</p>	<p><u>Contract – Section 7</u></p> <p>A request was made as to Section 7 of the Contract. Specifically, the following modifications was requested:</p> <p>In line 1: delete “defend,” In line 3: insert “negligent” before “act, error, or omission” In lines 5-6: delete the second sentence In line 9: insert “to the extent Vendor is found liable” after “the same”</p>	<p>Respectfully, the NJEDA is not willing to consider or accept the requested modifications.</p>

<p>47.</p>	<p><u>Contract – Section 7</u></p> <p>Request was received to modify Section 7 as follows: “7. Indemnification. The Vendor shall defend (to the extent of coverage under Consultant’s commercial general liability insurance), indemnify, protect and hold harmless the Authority, and its officers, agents, servants and employees from and against any and all suits, claims, demands, losses or damages of any kind to the extent caused by arising out of or claimed to arise out of any negligent act, error, or omission on the part of the Vendor, its officers, agents, servants, employees and subcontractors in the performance of services under this Contract. The Vendor shall, at its own expense, appear, defend and pay all charges for attorneys and all costs and other expenses arising from such suit or claim or incurred in connection therewith. If any judgment shall be rendered against the Authority or its officers, agents, servants, and employees for which indemnification is provided under this Section 7, the Vendor shall, at its own expense, satisfy and discharge the same.”</p>	<p>Respectfully, the NJEDA is not willing to consider or accept the requested modifications.</p>
<p>48.</p>	<p>An email request was received and set forth “I am inquiring to see if the Procurement Department can inform our firm, who is the EDA’s incumbent contractor(s) for Environmental Consulting services?”</p>	<p>Please be advised that this is a new procurement and the NJEDA does not have an incumbent contractor for Environmental Consulting services.</p>

49.	An email request was received and set forth "Regarding RFP, # 2021-RFP-122, can you tell us, is there an incumbent on this contract, or is this a new contract?"	Please be advised that this is a new procurement and the NJEDA does not have an incumbent contractor for Environmental Consulting services.
50.	Can NJEDA please share the names of the incumbents who currently hold this contract related to the previous solicitation for this RFP?	Please be advised that this is a new procurement and the NJEDA does not have an incumbent contractor for Environmental Consulting services.
51.	<p>How much money was paid to the approved Environmental Consulting Service entities conducting work on behalf of NJEDA within the scope of this RFP in 2018 and 2019?</p> <p>Please provide the name of the firms that are currently approved for this RFP in 2020.</p> <p>Please provide the hourly rates for the current approved companies or firms for the year 2020.</p>	Please be advised that this is a new procurement and the NJEDA does not have an incumbent contractor for Environmental Consulting services.
52.	An email request was received that set forth: "We are downloading the forms from your website for RFP #2021-122 for Environmental Consulting Services on an As-Needed Basis. However, the Disclosure of Investigations and Other Actions Involving the Vendor Form is not downloading for us (we do have latest version of Adobe Acrobat Reader). Would you be able to send us a PDF of this form?"	<p>Please be advised that the Authority has confirmed that the requested forms are available and accessible via the NJEDA website and are located at: https://www.njeda.com/bidding/#forms</p> <p>Furthermore, staff has confirmed with our Information Technology specialists that the documents are accessible. It is suggested that you discuss with your Information Technology department/contact and to please take whatever measures you deem appropriate to access same.</p>
53.	Can the NJEDA please confirm whether the standardized rates in Exhibit B3 are to be utilized in the response or the file in the RFP package labeled 122-Fee-Schedule-Final-4-28-21.xlsx (also attached). The directions	Please review and be guided by Section 4.2.3 as to the fee schedule and its provision and requirements.

	<p>indicate the excel file should be utilized versus Exhibit B3 and we understand Exhibit B3 will be utilized for Task Order Assignments, however, the standardized positions and titles in Exhibit B3 appear more appropriate for this RFP.</p>	
54.	<p>Email request received asking "Is this asking for rates or specific prices per task? The fee schedule only asks for 4 hourly rates."</p>	<p>Please review Section 4.2.3 as to the fee schedule.</p> <p>The Proposer must submit its pricing using the format set forth on the Fee Schedule accompanying this RFP. Proposers are NOT permitted to alter or change the provided Fee Schedule format/category designations, except to add additional lines in a category heading, if applicable. Any additional or supplemental versions of the Authority-supplied Fee Schedule will not be accepted and may result in the Proposer's Proposal deemed non-responsive.</p> <p>If the Proposer will supply an item on a price line free of charge, the Proposer must indicate "No Charge" on the Authority-supplied Fee Schedule accompanying this RFP Solicitation. The use of any other identifier may result in the Proposer's Proposal being deemed non-responsive.</p> <p>All pricing shall remain firm for the initial three (3) year term of the Contract. The Proposer may indicate an annual percentage price escalator for the two (2), one (1) year Contract extension options in the space provided on the Fee Schedule. If the Proposer is not including a price escalator, it should indicate "N/A" in the space provided. If the price escalator space on the Fee Schedule is left blank, it will be read as though no escalation is included in the proposed pricing and pricing shall remain firm throughout any contract extensions.</p> <p>Note: Failure to submit hourly rate pricing or altering the format of the Fee Schedule will result in the proposal being considered nonresponsive. Merely attaching the Proposer's billing schedule or price list is not acceptable.</p> <p>For each TOR, the Contractor will be asked to submit a not-to-exceed total price, based on the All-inclusive Hourly Rates specified on the Fee Schedule for the Position/Title listed and the total number of hours each Position/Title will require to complete the services. Billing will be based on actual hours expended on a given project, as provided on the TOR.</p>
55.	<p>Will the Authority utilize its own Licensed Site Remediation</p>	<p>The Authority will not have a Licensed LSRP to verify work.</p>

	Professional (LSRP) to verify work on the projects?	
56.	In consideration of the fact that the Memorial Day Holiday falls within the time allotted for preparation of our proposal, might the NJEDA consider extending the Proposal Due Date by 1 week?	Respectfully, at this time the response deadline for proposals will remain Friday, June 4, 2021, at 02:00 p.m. EST.

PART 2: Additions, deletions, clarifications, and modifications to the RFP;

No .	PART 2: Additions, deletions, clarifications and modifications to the RFP.	PART 2: Answers
1	Updated Version of the following Compliance Form - <u>Ownership Disclosure Form</u>	The New Jersey Department of Treasury, Division of Purchase & Property has updated the Ownership Disclosure Form. Therefore, the NJEDA has updated this form on its website. The NJEDA prefers Bidders attach the newer form. However, both versions are accepted for this solicitation.
2	Section 3.5F provides that "If no conflict exists, the Contractor must return a completed TOR Vendor Response Form, Exhibit B3, to the Authority's Designated Contract Manager within five (5) business days. The TOR Vendor Response Form, Exhibit B3, shall include a lump sum cost estimate, by positions and All-inclusive Hourly Rates consistent with the Contractor's submitted Fee Schedule, to prepare the appraisal report or complete the Special Appraisal Services. The Authority will approve the cost estimate or revise the estimate as it sees fit."	Modification made to Section 3.5F as follows: "If no conflict exists, the Contractor must return a completed TOR Vendor Response Form, Exhibit B3, to the Authority's Designated Contract Manager within five (5) business days. The TOR Vendor Response Form, Exhibit B3, shall include a lump sum cost estimate, by positions and All-inclusive Hourly Rates consistent with the Contractor's submitted Fee Schedule, to prepare the <u>appraisal site assessment report</u> or complete the Special Appraisal Services . The Authority will approve the cost estimate or revise the estimate as it sees fit."

<p>3.</p>	<p>Section 4.2.4.9 sets forth:</p> <p>“In accordance with the requirements of N.J.A.C. 17:13 and N.J.A.C. 17:14, as amended, the Authority is required to develop a Set-Aside business plan for Small Business Enterprises (SBEs). The Authority encourages the participation of SBE firms as registered with the New Jersey Department of Treasury, Division of Revenue and Enterprise Services – Business Services Bureau for the services subject to this RFP. Information regarding SBE registration and/or a Minority/Women Business Enterprise (MWBE), a Veteran-Owned Business (VOB) and/or a Disabled Veteran-Owned Business Enterprise (DVOB) certification can be obtained by contacting the Office of Business Services at (609) 292-2146 or at their offices at 33 West State Street, P.O. Box 820, Trenton, NJ 08625-0820 or on-line, via the State’s Business website at:</p> <p>https://www.njportal.com/DOR/SBERegistry/</p> <p>There are three (3) forms listed in the RFP Proposer Checklist to be completed and submitted, prior to contract award. These forms include: Set Aside Information Form-Goods & Services; Set-Aside Compliance Certificate-Goods & Services Contracts; and the Proposer’s Small Business Enterprise (SBE) Certificate.”</p>	<p>Section 4.2.4.9 is modified as follows:</p> <p>“Authority is required to develop a Set-Aside business plan for Small Business Enterprises (SBEs). The Authority encourages the participation of SBE firms as registered with the New Jersey Department of Treasury, Division of Revenue and Enterprise Services – Business Services Bureau for the services subject to this RFP. Information regarding SBE registration and/or a Minority/Women Business Enterprise (MWBE), a Veteran-Owned Business (VOB) and/or a Disabled Veteran-Owned Business Enterprise (DVOB) certification can be obtained by contacting the Office of Business Services at (609) 292-2146 or at their offices at 33 West State Street, P.O. Box 820, Trenton, NJ 08625-0820 or on-line, via the State’s Business website at:</p> <p>https://www.njportal.com/DOR/SBERegistry/</p> <p>There are two (2) related forms listed in the RFP Proposer Checklist to be completed and submitted, prior to contract award. These forms include: Set Aside Information Form-Goods & Services and the Set-Aside Compliance Certificate-Goods & Services Contracts. The Proposer may submit the Proposer’s Small Business Enterprise (SBE) Certificate, if applicable.”</p>
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