



December 12, 2018

**Via Electronic Mail (WBARRY@newprov.org) and Regular Mail**

Borough of New Providence  
360 Elkwood Avenue  
New Providence, New Jersey 07974

Attn.: Wendi B. Barry  
Borough Clerk

Re.: Borough of New Providence, County of Union, State of New Jersey  
Road System – Downtown Improvements Project  
Federal Project No. STP-7602(105) CON  
**Request for Authorization to Bid**  
Our File No.: SCE-R02457.021

Dear Ms. Barry:

SUBURBAN CONSULTING ENGINEERS, INC. (SCE) is requesting formal authorization to bid the Downtown Improvements Project located in the Borough of New Providence, New Jersey. It is our understanding that the Borough wishes to solicit bids in January 2019 and award by the end of February so that Construction can begin in April 2019.

The following is the estimated schedule for this project:

- Solicit Bids: January 7, 2019
- Bid Opening: February 13, 2019
- Start of Construction: April 1, 2019
- End of Construction: September 18, 2019 (170 days – in specification)

If you have additional questions or concerns, please do not hesitate to contact our office. Thank you.

Very truly yours,  
SUBURBAN CONSULTING ENGINEERS, INC.

Andrew S. Holt, PE, PP, CME  
Principal Engineer

KMB

cc: Eileen Schack – Project Management Specialist 3 – NJDOT (Eileen.Schack@dot.nj.gov)  
Michael O’Krepky – Project Manager – Maser Consulting (MOKrepky@maserconsulting.com)  
Doug Marvin – Borough Administrator (dmarvin@newprov.org)



# State of New Jersey

DEPARTMENT OF TRANSPORTATION

P.O. Box 600

Trenton, New Jersey 08625-0600



PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lieutenant Governor*

DIANE GUTIERREZ-SCACCETTI  
*Commissioner*

September 24, 2018

Mr. Douglas R. Marvin  
New Providence Borough Administrator  
360 Elkwood Avenue  
New Providence, New Jersey 07974

RE: New Providence Downtown Streetscape  
New Providence Borough, Union County  
Federal Project No. STP-7602(105) CON  
State Job Code Number: 7411314

Dear Mr. Marvin:

On September 19, 2018, the Federal Highway Administration (FHWA) authorized funding in the amount of \$245,000.00 for construction for the above captioned Federal Aid Highway Program project.

Requirements for this project include, but are not limited to, the following:

## Local Public Agency (LPA) Eligibility

- The Borough of New Providence is required to maintain its LPA Eligibility Certification current and valid during the term of this project agreement in accordance with the requirements of NJDOT Division of Local Aid and Economic Development Policy/Procedure No. 010.00 dated October 1, 2012.

## Advertisement of Contract

- The Borough of New Providence is required to advertise for construction bids within 60 calendar days from the date of this letter. The project shall be advertised once a week for

a minimum of three (3) consecutive weeks in at least two (2) legal newspapers. Bids may be taken a minimum of 10 days following the final date of advertisement (as per NJ Local Public Contract Law 40A:11-23a). Copies of all advertisements must be submitted to the New Jersey Department of Transportation.

- The following language must appear in the bid solicitation: **“Proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.2, et seq., and as such, contractors are exempt from the limitations on making political contributions under that law. Further, for that reason, as well as because of a language in the New Jersey's Annual Appropriations Act, refusal to disclose campaign contributions otherwise required by N.J.S.A. 19:44A-20.2 et seq. and 19:44A-20.25 et seq., will not adversely affect your consideration for award.”**
- **The Borough of New Providence must send NJDOT a schedule of advertisement and anticipated bid date, start date for construction, and a current construction bar chart (Critical Path Method Schedule.) prior to advertisement.**
- The Borough of New Providence may use their own format for the bid proposal; however, the construction items and quantities must be the same as the final plans, specs and estimate; as submitted with the authorization request. Any modifications to the construction items and quantities will require FHWA's prior approval and authorization.
- The Disadvantaged Business Enterprise goal is 0%. These requirements should be indicated in the proper locations on Federal Attachment No. 1.
- The number of Training Positions will be '0' where feasible consisting of at least ' Apprentices and '0' Trainees (Total Trainees Hours = 0). These requirements should be indicated in the proper locations on Federal Attachment No. 2.
- It is recommended that the DBE and Trainee goal be included in the bid advertisement.
- General wage determinations issued under Davis-Bacon and related acts, published by US Department of Labor, may be obtained from the Web Determinations online web site at <http://www.wdol.gov/dba.aspx#0> Select state, county and construction type heading: HIGHWAY where the Project is to be performed then click Search.
- Pay the prevailing wage rates determined by the United States Secretary of Labor and the New Jersey Department of Labor. If the prevailing wage rate prescribed for any craft by the United States Secretary of Labor is not the same as the prevailing wage rate prescribed for that craft by the New Jersey Department of Labor, pay the higher rate. State wage rates may be obtained from the New Jersey Department of Labor & Workforce Development (Telephone: 609-292-2259) or by accessing the Department of Labor & Workforce Development's web site at [http://lwd.dol.state.nj.us/labor/wagehour/wagehour\\_index.html](http://lwd.dol.state.nj.us/labor/wagehour/wagehour_index.html). The State wage rates in effect at the time of award are part of this Contract, pursuant to Chapter 150, Laws of 1963 (NJSA 34:11-56.25, et seq.).

**These must be downloaded not more than ten (10) days prior to advertisement and inserted into the final bid specifications.**

- The contract completion date, as noted in the Special Provisions, must be specified in the project specifications with provisions for liquidated damages, must be followed as per NJDOT 2007 Standard Specifications for Road and Bridge Construction, Section 108.20.

#### Pre-Award of Contract

- The Borough of New Providence will be required to email the following forms submitted by each bidder to the Local Aid project manager as well as cc [DOT-CR.Verifications@dot.nj.gov](mailto:DOT-CR.Verifications@dot.nj.gov) immediately after the five day Civil Rights document submittal period following the bid opening:
  - A list of all responsive bidders as determined by the Borough of New Providence's Legal Department in the order of lowest bidder to highest bidder.
  - A completed and signed Form CR-266 – Schedule of DBE/ESBE/SBE Participation for each DBE firm being used to meet the Contract goal [Forms can be downloaded from <http://www.state.nj.us/transportation/business/civilrights/forms.shtml>]. Revisions to the CR-266 will not be accepted after its initial submission and before award of the Contract.
  - A completed and signed Verification of DBE/ESBE/SBE Firm (Form CR-273) for each firm listed on the CR-266 to demonstrate direct written confirmation from each DBE firm of willingness to participate on the Contract, confirming the kind and amount of work that was provided on the Contractor's CR-266. This form must be completed in its entirety and signed by each DBE firm.
  - A completed and signed DBE/ESBE/SBE Regular Dealer/Supplier Verification (Form CR-272) for all Regular Dealers/Suppliers listed on the CR-266 form, if applicable. This form must be completed in its entirety and signed by each DBE firm.
  - A completed and signed DBE/ESBE/SBE Trucking Verification (Form CR-274) for all DBE trucking firms listed on the CR-266, if applicable. This form must be completed in its entirety and signed by each DBE firm.
  - Documented evidence of good faith efforts if the bidder's commitment shown on the CR-266 fails to equal or exceed the contract DBE goal.
  - The process contractors who fail to meet the contract goal must comply with can be found in the amended Section 102.13.01 of the NJDOT Specifications

Firms listed on the CR-266 will not be counted toward the Contract DBE goal unless completed and signed CR-273 form(s), and applicable CR-272 and CR-274 form(s) are submitted to the Borough of New Providence within the 5 days after bid opening.

NJDOT Civil Rights will review the submitted forms and if the apparent lowest responsive bidder meets the Contract DBE goal, will issue an approval to the Local Aid

Project Manager. The Borough of New Providence will then be notified that they can proceed with the award of this project pending the outcome of the bid analysis.

**NOTE: THE Borough of New Providence MAY NOT AWARD A CONTRACT PRIOR TO THE DEPARTMENT'S APPROVAL AS PER SECTION 102.15 "DISQUALIFICATION OF BIDDERS" IN THE PROJECT SPECIFICATION, PLEASE BE REMINDED OF THE FOLLOWING:**

- Failure to submit CR-266 completed and signed with CR-273, applicable CR-272 and CR-274 signed and completed at the time of bid or within 5 days after bid opening will be considered as non responsive bid, and bid will be rejected. No corrections or editing will be allowed after the forms are submitted.
- If the submitted CR-266 form does not meet the contract DBE goal, the bidder must submit at the time of bid or within 5 days after bid opening documentation of "good faith effort". Submittal of such information does not imply NJDOT Division of Civil Rights & Affirmative Action (DCR/AA) approval. The Department's DCR/AA has sole authority to determine whether the contractor is meeting the contract DBE goal or made adequate good faith efforts to do so.

#### Award of Contract

- Recipients must award a construction contract within 4 months of the date of this notification. Failure to award construction within 4 months of NJDOT's letter may result in the withdrawal of funding.
- Upon award of construction contract, please submit the following to this office for the our concurrence in the award of construction contract:
  - Certified copy of the bid summary
  - Original resolution of award
  - Bid analysis
  - Affidavits of advertisements
  - Written verification that the contractor and/or subcontractors are not on the debarred list
  - Signed copy of the "Federal Aid Checklist" (enclosed)
- If the bids are rejected for any reason, this office must be notified in writing before readvertising. A written justification for the denial must also be submitted.
- The Borough of New Providence must complete and submit a copy of the bid analysis prepared in accordance with the FHWA's Guidelines on Preparing Engineer's Estimate,

Bid Reviews and Evaluation, dated January 20, 2004 {Formerly T5080.4}. These Guidelines are available at:

<http://www.fhwa.dot.gov/programadmin/contracts/ta508046.pdf>.

### Project Agreement

- Return four (4) original signed and sealed copies of the attached agreement along with a signed/sealed Resolution for execution by the Department. DO NOT enter the date on page 1
- The statement at the top of page 1 that says “This Cost Reimbursement Agreement is made as of \_\_\_\_\_” shall be left blank and will be filled in by the Department. Please note that the proper County officials must sign pages 13, 15 and 19.
- Please also note that there is an Amended Agreement for this project. This portion of the agreement also has the statement above, which shall be left blank, and will be filled in by the Department. Please have the proper County officials sign page 3.
- Signed copies of the agreement should be returned within 45 days.
- All projects constructed with Federal funds require full-time construction inspection and oversight. Failure to follow the Federal guidelines may result in the loss of Federal reimbursement.
- No reimburseable work can be performed until the project agreement is executed by the NJDOT.

### Project Billing

- NJDOT must receive an initial billing (payment voucher) from the recipient for the construction project no later than 3 months after NJDOT has concurred in the award of the construction contract. NJDOT may receive subsequent billings (payment vouchers) on a monthly basis after the initial billing but no later than 3 months thereafter as stipulated in the project agreement. Failure to meet the billing requirements may result in the restriction of authorization of any future FWHA funding until such time as progress on timely billings is demonstrated.
- The project will be considered “Inactive” if the Borough of New Providence fails to submit an invoice within the durations described in 23 CFR 630.106. It is the Borough of New Providence’s responsibility to ensure that the federal funding is not jeopardized for this project due to an “Inactive” project status.

## Final Inspection and Closeout

- Requests for final inspection and acceptance to NJDOT shall be made by the recipient not later than 30 days following Substantial Completion of construction.
- Close-out documents shall be submitted by the recipient to NJDOT within 6 months of receipt of acceptance by NJDOT.

Should you require any additional information, please contact me at 973-877-1500.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eileen Schack".

Eileen Schack  
Project Management Specialist 3  
District 2, Local Aid