

ADMINISTRATIVE INSTRUCTIONS REGARDING CONTRACT BIDS AND AWARDS

The purpose of these instructions is to outline the procedures to be used in securing bids and making awards by recipients of loans for the construction of water and/or wastewater treatment projects under the Wastewater Treatment Bond Act of 1985, P.L. 1985, c.329 and the New Jersey Environmental Infrastructure Trust Act P.L. 1985, c.334, the Federal Safe Drinking Water Act, the New Jersey Safe Drinking Water Act, and the Water Supply Bond Act of 1981.

REVISIONS DURING PERIOD OF ADVERTISING:

Prior to receipt of bids, it may be necessary to issue addenda to the plans and specifications. Such addenda may be required to update a wage rate determination (State and/or Federal), to correct errors or to clarify information in the bidding documents. **All addenda must receive approval by NJDEP prior to their issuance to bidders.** Three (3) copies of proposed addenda must be submitted to the Bureau of Environmental, Engineering and Permits, New Jersey Department of Environmental Protection (NJDEP) for review and approval. Contracts may not be awarded until the NJDEP has reviewed and approved all revisions or addenda to plans and specifications. **Where addenda have been issued, the loan recipient must ensure that receipt of such addenda is acknowledged by each bidder and that the addenda were received by bidders in a reasonable time (generally 7 working days) before the deadline for the receipt of bids.**

Each project with construction contracts in excess of \$2,000 must contain the prevailing wage rate determination issued by the Federal Department of Labor (DOL) under the Davis-Bacon Act. Since wage rate determinations are periodically revised, a provision must be included in the bidding document for updating the determination by an addendum if a new determination is issued by DOL at least seven (7) days prior to bid receipt.

SOCIALLY AND ECONOMICALLY DISADVANTAGED (SED) UTILIZATION REQUIREMENTS:

N.J.A.C. 7:22-9.6 requires project sponsors to notify the NJDEP's Office of Public Contract Assistance at least 30 days before public advertisement for bids.

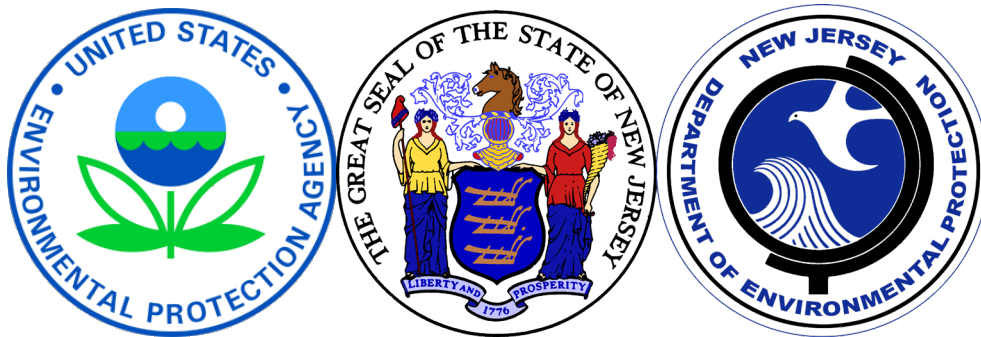
N.J.A.C. 7:22-9.1, et seq. requires project sponsors to ensure compliance with SED utilization plan requirements. SED utilization plans must be submitted to the NJDEP no later than 30 days after contract award.

AWARDING CONTRACTS

Contracts may not be awarded until authorization to do so has been given, in writing, by the NJDEP. Such authorization cannot be given until all Conditions and Assurances have been met and until the following documents have been uploaded into H2Loans, at least **10 working days** prior to proposed contract award date:

1. Adequate proof of advertisement (for public contracts only) in accordance with NJ Public Contracts Law 40A:11-23.
2. Tabulation of all bids received including the engineer's pre-bid estimate as well as a breakdown of allowable and unallowable loan bid items.
3. Each of the proposals and bid bonds of the bidders to whom you wish to award contracts.
4. A letter, signed by you as representative of the recipient, indicating the name of the bidders to whom you wish to award contracts and the amounts involved. If you intend to make award to other than low bidder or reject all bids received, advanced NJDEP approval must be obtained. The request for approval to reject an apparent low bid or all bids must be accompanied by a detailed justification of your intended action. If award is to be made to other than low bidder, reasons must be given why the low bidder is not responsive or responsible. The determination must give details of the specific case and when applicable, be accompanied by a legal opinion. Permission to reject all bids will not be given unless it is demonstrated there is sufficient cause for such action. If bids are rejected without cause, State eligibility will be limited to construction costs established by the original bid prices.
5. A statement from your legal counsel with regard to the loan recipient's interest in the sites and rights-of-way for this project.
6. A statement as to the manner in which the recipient will provide and maintain adequate engineering and inspection of the project to ensure that the construction conforms to the approved plans and specifications.
7. Copies of each approved addendum issued during the bidding period and evidence to show receipt of all approved addenda by each bidder.
8. Certification of Bond and Insurance Coverage Forms (s). The company (ies) appearing on this form for the performance and payment (labor and material) bonds must be authorized to transact business in New Jersey. All applicable surety bonds must be written by a surety company listed on the Federal Treasury List (Department Circular 570- Surety Companies Acceptable on Federal Bonds).
9. The names of subcontractors and evidence of their performance security in accordance with those trades listed under NJ Public Contracts Law 40A:11-16.
10. Verification that the intended contractor or subcontractor for award does not appear on any New Jersey State debarment list.
11. Verification that the recipient has obtained all local permits including all building permits in accordance with N.J.A.C. 7:14-2.3.
12. Copies of the following Equal Employment Opportunity Forms signed by the bidders to whom you wish to award the contracts:
 - A. Certification of Non-Segregated Facilities, and
 - B. Certification by Bidder Regarding Equal Employment Opportunity
 - C. Prompt Payment Certification

New Jersey Environmental Infrastructure Financing Program USEPA Public Awareness of SRF Assistance Requirements



Construction of upgrades and improvements to [facility name, project location, capital cost] were financed by the New Jersey Water Bank (NJWB). The NJWB is a State Revolving Fund program jointly administered by the New Jersey Department of Environmental Protection (DEP) and the New Jersey Infrastructure Bank (Infrastructure Bank) and uses a combination of funds provided by the United States Environmental Protection Agency, the DEP, and the Infrastructure Bank to provide very low interest loans to borrowers for environmental infrastructure projects.

This project will provide water quality benefits [details of the benefit to be realized from project implementation] for residents and businesses in [service area, geographic area].

State Revolving Fund programs around the nation provide states and communities the resources necessary to maintain and improve the infrastructure protecting our valuable water resources nationwide.