

RESOLUTION NO. 2023-139

**RESOLUTION OF THE TOWNSHIP OF LITTLE
EGG HARBOR, COUNTY OF OCEAN, STATE OF
NEW JERSEY, ADOPTING PROCEDURE FOR
ADMINISTRATION AND INSPECTION OF
FEDERAL AID HIGHWAY PROJECTS**

WHEREAS, the Federal Highway Administration (FHWA) provides opportunities for Local Public Agencies (LPA), such as the Township of Little Egg Harbor (hereinafter "Township"), to receive Federal Aid Highway Program (FAHP or federal-aid) funds through New Jersey Department of Transportation (NJDOT); and

WHEREAS, the Township is presently the recipient of federal-aid funds through a project awarded under the NJDOT Transportation Alternatives Program (TAP); and

WHEREAS, the Township as an LPA, is responsible for administering federal-aid funded projects in compliance with all federal-aid requirements established by the FHWA; and

WHEREAS, the NJDOT, through its Stewardship Agreement with FHWA, is responsible for ensuring that the Township is adequately staffed and suitably equipped to undertake federal-aid projects, and ensure that federal requirements are met; and

WHEREAS, the Township, as required by the NJDOT, has developed a Policy outlining the required procedures for the Administration of Federally Funded Transportation Projects administered through the NJDOT.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

r|m|s|h|c

Rothstein, Mandell, Stroh
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

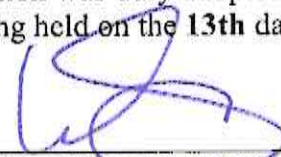
150 Airport Road
Suite 600
Lakewood, NJ 08701

o: 732.363.0777
f: 732.905.6555

1. That the Township adopts the policy entitled, "Little Egg Harbor Township Procedure for Administration and Inspection of Federal Aid Highway Projects" dated September 2022.
2. That the Township Administrator, in consultation with the Township Engineer, is designated as the Responsible Charge (RC/PM) and is authorized to execute any and all documentation necessary and take any and all action necessary in support of Administrative Responsibilities of the Responsible Charge for Federal Aid Projects and Little Egg Harbor Township Procedure for Administration and Inspection of Federal Aid Highway Projects dated September 2022.
3. That a certified copy of this Resolution shall be forwarded to the Township Administrator and Township Engineer.

CERTIFICATION

I, KELLY LETTERA, RMC, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the **13th** day of **April, 2023**.



KELLY LETTERA, RMC
Township Clerk
Little Egg Harbor Township

rmshc

Rothstein, Mandell, Strohm
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

150 Airport Road
Suite 600
Lakewood, NJ 08701

o: 732.363.0777
f: 732.905.6555

Little Egg Harbor Township

Procedure for Administration and Inspection of Federal Aid Highway Projects

September 2022

Table of Contents

<u>Section</u>	<u>Title</u>	<u>Page</u>
1.0	Introduction	4
2.0	Responsibilities Little Egg Harbor Township for Federal Aid Projects	4-5
3.0	Procurement of Professional Services Consultant Selection	6
3.1	Request for Proposal	6-10
3.2	Advertisement	10
3.3	Evaluation of Proposal and Consultant Selection	10
3.4	Negotiation	10-11
3.5	Project Authorization	11
3.6	Award of Contract	11
3.7	Federal Agreement	11
3.8	Contract Administration	11-12
3.9	Consultant Monitoring	13
4.0	Consultant Evaluation	14
5.0	Procurement of Construction Services/Award of Construction Contract	14-19
6.0	Construction Project Management	20
6.1	Responsible Charge/Project Manager/RC/PM	20-21
6.2	Construction Inspection	21-24
6.3	Payment Procedure	24-27
6.4	Chief Financial Officer Certification	27-28
6.5	Source of Documentation	28-29
6.6	Buy America	29
6.7	DBE/Trainee Compliance	29-30
6.8	Contract Changes, Project Schedule, Contract Completion	30-31
6.9	Field Orders	31-32
7.0	Contract Completion Date	32-33
7.1	Change Order Protests/Disputed work	34
Appendices		35
Appendix A	Organizational Chart	
Appendix B	Sample RFP	
Appendix C	Consultant Proposal Evaluation Forms & Guides (Design & CM/CI)	
Appendix D	Consultant Contract Performance Rating Forms (Design & CM/CI)	
Appendix E	Sample Field Order Form	
Appendix F	Sample Professional Services Agreement	
Appendix G	Title VI Policy Statement	

Abbreviations

ADA – American with Disabilities Act
CFR- Code of Federal Regulations
CO – Change Order
LPA– Local Public Agency
DBE – Disadvantaged Business Enterprise
FAA – Federal Aid Agreement
FAR – Federal Acquisition Regulation
FAHP – Federal Aid Highway Program
FHWA – Federal Highway Administration
NEPA – National Environmental Policy Act
NJDOT – New Jersey Department of Transportation
MPO – Metropolitan Planning Organization
PS&E – Plans, Specifications & Cost Estimates
QA – Quality Assurance
QC – Quality Control
RC/PM – Responsible Charge/Project Manager
RE – Resident Engineer
RFP – Request for Proposals
SOW – Scope of Work
Specifications – 2019 New Jersey Department of Transportation Standard Specifications
Uniform Act – Uniform Relocation Assistance and Real Property Acquisition Policies
Act of 1970, P.L. 91-646
U.S.C. – United States Codes
Voucher – State of New Jersey Payment Voucher

1. Introduction

Federal Highway Administration (FHWA) provides opportunities for Local Public Agencies, such as Little Egg Harbor Township, to receive Federal Aid Highway Program (FAHP or federal-aid) funds through New Jersey Department of Transportation (NJDOT) and the associated regional Metropolitan Planning Organization (MPO). LPAs receiving federal-aid funds are responsible for administering their projects while meeting all federal-aid requirements. The NJDOT, through its Stewardship Agreement with FHWA, is responsible for ensuring that each LPA that receives FHWA funds, is adequately staffed and suitably equipped to undertake and administer federal-aid projects, and the LPA must provide the supervision and inspection required to complete each project in conformance with the approved Scope of Work (SOW), plans and specifications and ensure that all federal requirements are met. Generally speaking, these requirements are set forth in Title 23 United States Codes (U.S.C.) – Highways; Brooks Act, Title 40 U.S.C. - Public Buildings, Property and Works; Title 23 Code of Federal Regulations (CFR) – Highways; Title 48 CFR – Federal Acquisition Regulation; and Title 49 CFR 18 – the Common Grant Rule.

The purpose of this document is to provide Standard Procedures to be used by Little Egg Harbor for Administration of Federally Funded Transportation Projects administered through NJDOT.

An organization Chart of Little Egg Harbor's personnel associated with Federal Aid Projects, along with their duties, is included in this document (See Appendix A).

2. Administrative Responsibilities of the Responsible Charge for Federal Aid Projects

Little Egg Harbor Township must designate a Responsible Charge (RC/PM) for each federal aid project, and submit a letter of notification to the Local Aid District Office identifying the Responsible Charge (RC/PM). The RC/PM must be a full-time Little Egg Harbor Township employee as required by Title 23 CFR 635.105(a). The employee will be in "responsible charge" of all phases of a Federal Aid Project. The RC/PM is involved in the entire project from project initiation to closeout. The RC/PM (see section 6.1) will be responsible for the administration and oversight of the following tasks:

- a. With the support of a consulting engineering firm and NJDOT Bureau of Environmental Program Resources (BEPR), prepares and/or administers the disbursement of National Environmental Policy Act (NEPA) documents and permits and coordinate with the correspondent agency, state or federal, involved in the preparation and filing of such documents.
- b. With the support of a consulting engineering firm in the preparation of plans, specifications and estimate, provide review, comments and final acceptance of the material produced by the consulting engineering firm. The procurement for consulting services will be described in section 3 of this document.
- c. Right-of-Way availability through the design phase and after the determination of all required ROW, will be coordinated with NJDOT Right-Of-Way procedures and Little Egg Harbor Township Counsel for the preparation of all legal documents to enable continuation of the design phase and project construction. Right-Of-Way procedures must be in conformance with the Uniform Act and be reviewed and approved by NJDOT Right-Of-Way.
- d. Coordination and clearances of all public and private utilities.

- e. Review and concur with the consultant's construction bid review, analysis and recommendation and request further evaluation if the recommendation is deemed incomplete.
- f. Prepare and submit a recommendation of award, in coordination with the consultant and Little Egg Harbor Township's Business Administrator and Governing Body.
- g. The Business Administrator/Governing Body Representative will submit their recommendation for approval and execution by Little Egg Harbor Township's Governing Body through a resolution.
- h. Little Egg Harbor Township Legal Counsel will request the Contractor to submit all legal forms and documents for the preparation of the contract, and after the certification of funds by the Director of Finance/Chief Financial Officer, the contract goes to Municipal Council Agenda for resolution to approve.
- i. Along with the Consultant Design Engineer, Reviews and approves final of the Material Sources.
- j. The RC/PM will oversee the Construction Contract Administration and Construction Inspection with responsibility to provide final decisions on all issues related to the contract as recommended by the consultant.
- k. Source Documents related to material testing, material certifications, daily inspection report, DBE participation, project completion, project schedules and Buy America is strictly controlled by the Resident Engineer (retained consultant) under direct supervision of the RC/PM to ensure that all records are properly maintained.
- l. Along with the Consultant Resident Engineer, monitor sampling/testing of materials for compliance with mandated requirements and supported by a professional material testing. Material used that does not pass the required test, will be rejected and shall be replaced at no cost to Little Egg Harbor Township.
- m. Monitor contract time, originally set by the contract documents by comparing the initial construction schedule with progress schedules during construction. Time extensions, if necessary, will be evaluated, commented and/or approved and submitted to NJDOT for acceptance.
- n. Along with the Consultant Resident Engineer, monitor and/or complete necessary forms to comply with Wage rate Compliance, DBE, training goals set for the project.
- o. Along with the Consultant Resident Engineer, oversee and verify the ADA compliance requirements of the project.
- p. Monitor and rate the performance of the consultants.
- q. Monitor the work zone safety and traffic control and provide comments and revisions to the Resident Engineer for immediate action by the Contractor.

3. Procurement of Professional Services – Consultant Selection (For Design & Construction Management/Construction Inspection)

This section covers the procurement and administration of professional services and consultant selection for federally funded projects. Little Egg Harbor Township retains consultant services to provide the following tasks, including but not limited to environmental, surveying, engineering design, right-of-way, geotechnical, landscape design, construction management and inspection services, material testing.

Consultant services funded wholly or partially with FHWA funds are procured and administered by Little Egg Harbor Township in accordance with 49 CFR – Part 18 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. All contracts for engineering and designs services related to construction projects will comply with the requirements of 23 U.S.C 112 and 23 CFR 172.

For competitive negotiation/qualification-based Consultant selections, Little Egg Harbor Township must follow the requirements defined by the Brooks Act 40 U.S.C., and the procedure listed below:

3.1 Request for Proposal (RFP) – Competitive Negotiation/Qualification for Design & Construction Management/Construction Inspection Contracts:

DESIGN:

Little Egg Harbor Township will administer and oversee the procurement of professional services by preparing an RFP for Design Services, approved by NJDOT, which includes, but is not limited to the following requirements.

Please note this section outlines the tasks and deliverables for three phases of the NJDOT design process. All phases may not be necessary for each project

For each design phase Little Egg Harbor Township shall prepare a detailed scope of work that includes the following, as a minimum:

- i. Description of the project location and existing conditions
- ii. Description of the proposed improvement
- iii. Location Map
- iv. A list of the tasks to be included in the project, and a description of the work (Scope of Work (SOW)) to be performed for each of the tasks Estimated project schedule by tasks using the critical path method as per NJDOT requirements.
- v. Method of payment (cost plus fixed fee, lump sum, cost per unit of work or specific rates of compensation). Little Egg Harbor Township uses Cost Plus Fixed Fee.
- vi. This method of payment reimburses the Consultant for its direct and indirect costs (salary, overhead, direct expenses) in addition to a negotiated amount as a fixed fee. The fixed fee rate will be calculated in accordance with NJDOT methodology.

Compensation including statements of, but not limited to, the following:

- Allowable costs include those directly associated with the specific contract as well as overhead costs, also known as their indirect cost rate.
 - This project is federally funded and requires that consultant contracts be compliant with 48 CFR 31 – Contract Cost Principles Under the Federal Acquisition Regulations (FAR). This federally funded project has NJDOT oversight, and to ensure the consultant contract is compliant with FAR cost principles when using federal-aid funds, only NJDOT approved overhead rates will be used. Consultants that do not have approved NJDOT overhead rates must be approved in accordance with NJDOT Procurement policies.
 - The NJDOT approved overhead rate will be used for the purpose of estimating, negotiating, and making payment on the contract. – will be used in developing the cost estimate
 - The method of payment will be the Cost-Plus Fixed Fee.
- vii. Creation of a Proposal Checklist including but not limited to:
- Copies of DBE certifications
 - Proof of NJDOT approved overhead rates
 - New Jersey Business Registration
 - Statement of Ownership
 - Non-Collusion Affidavit
 - Acknowledgment of Receipt of Addendum
 - Checklist Signature Page
- viii. Project Cost and Work Hour Proposal Form
- The tasks listed in this form must match the tasks described in the SOW.
 - This shall be used to negotiate costs

PHASES OF NJDOT DESIGN PROCESS

Concept Development Phase

Conduct data collection, evaluate deficiencies and identify fatal flaws, evaluate planning alternatives, coordinate with stakeholders, complete environmental screening, assess Right of Way, Utility and Access impacts, determine Preliminary Preferred Alternative, identify substandard design elements, determine environmental impacts and document, prepare construction cost estimate and execute the public involvement action plan.

Deliverables

- Design Communication Report
- Purpose and Need Statement
- Preliminary Preferred Alternative
- Environmental Document Classification
- Preliminary Engineering Scope Statement

Preliminary Engineering Phase

Coordinate with Stakeholders, conduct environmental analysis for PPA, initiate roadway engineering, initiate structural engineering, initiate ROW and access, prepare final design and construction cost estimate, execute public involvement plan

Deliverables

- Design communication report
- Preliminary engineering report
- Approved environmental document
- Approved design exception report
- Cost estimate -- final design and construction
- Approved project plan
- Final design scope statement

Final Design Phase

Complete roadway engineering, structural engineering, ROW, utility and access impacts, environmental process and prepare final design submission

Deliverables

- Design communication report
- Environmental reevaluation and permits
- Acquisition of ROW
- Construction contract documents

The construction support services tasks include, but are not limited to, the following:

- Bidding process and award of contract
- Attending pre-construction meeting
- Shop, working drawings, submittals, reviews and approvals.
-

*Note: The Design Consultant may be retained to perform construction support services during the construction phase.

Construction Management & Inspection (CM/CI):

Little Egg Harbor Township will administer and oversee the procurement of Construction Management and Inspection services by preparing an RFP which outlines the tasks and deliverables for the Construction Management/Inspection contract including but not limited to the following:

- Detailed Scope of Work
 - Construction Schedule
 - Key Staff/Inspector Qualifications Requirements/Responsibilities
 - Prior Similar Work Experience
 - Deliverables
 - Method of Contract Payment.
 - Source Documentation
 - Buy America Provisions
 - Proposal Evaluation Criteria
- Note: Additional CM/CI RFP requirements are included in Section 6 of this document.

PROPOSAL EVALUATION PROCESS (Design & CM/CI)

- Prepares an **evaluation form** (Appendix C) that includes a list of the evaluation factors and their importance. The qualification-based evaluation criteria informs interested Consultants what Little Egg Harbor Township looks for in a proposal such as: experience of the Resident Engineer and key staff, experience with similar projects, location (proximity to project site), past performance, workload, capacity, technical approach, understanding of scope of work, and project management plan. Proposal Evaluation Forms generally consist of the above criteria which can be modified to be more project specific. The criteria selected from the list below shall be cited in the public solicitation as per 23 CFR 172.7(a)(iv).

Prepares a Consultant proposal **evaluation guide** (Appendix C) that provides guidance to the selection committee on how to assign points for each of the evaluation factors.

Prepares a detailed **cost estimate using the Project Cost Work Hour Proposal Form** by tasks and man-hours for the professional services to be broken down by the type of labor, direct costs and Consultant's fixed fee for the defined scope of

work.

Submits the detailed **RFP**, the **evaluation form**, the **evaluation guide** and the **cost estimate** to NJDOT-Local Aid Office for their review and approval.

Prepares a package of documents to be included with the advertisement for the firms responding to the solicitation for preparation of **expressions of interest and technical proposals**. These documents **must be approved** by NJDOT-Local Aid prior to advertisement.

- The approved detailed RFP.
- An estimated project schedule including the milestones.
- The evaluation form that includes the weighted evaluation factors and their relative importance.
- A cover letter containing instructions for submitting proposals including the time and place for submission of the proposals, the cost proposal and the DBE requirements. The requirement that the technical Proposal and Cost Proposal are to be submitted in separate sealed envelopes will be clearly stated in the RFP.

3.2 Advertisement for Design Services

Little Egg Harbor Township advertises for **expressions of interest and technical proposals**. The **advertisement** is placed in at least two legal newspapers (1 local and 1 regional), for three consecutive weeks. Little Egg Harbor Township will provide at least 14 working days after the last advertisement for the Consultant to respond to the solicitation. A copy of the advertisement and dates will be filed at the Township's offices unless requested by the Local Aid District Office

3.3 Evaluation of the Proposals and Consultant Selection

Little Egg Harbor Township receives the **proposals** at the designated time and place. A separate sealed cost proposal is submitted as part of the proposal.

Proposals are evaluated and ranked independently by members of the Consultant Selection Committee. The consultant Selection Committee shall consist of at least three individuals including representatives of Little Egg Harbor Township,

All submitted proposals must be evaluated and ranked according to the evaluation criteria and scoring process outline in the RFP. (Proposal Rating Guide is in Appendix C of this document)

The members of the Consultant Selection Committee meet to discuss the rankings and, if necessary, ask the top ranked Consultants to make an oral presentation.

The top ranked Consultant is selected, and their cost proposal is opened.

3.4 Negotiations

Little Egg Harbor Township negotiates the Man-hours with the selected Consultant. Little Egg Harbor Township's cost estimate that was prepared prior to the RFP is used as the basis for the

negotiation to arrive at a fair and reasonable compensation for the solicited services. Only work included in the original advertised scope of services are incorporated into the contract. The allowable costs include the direct costs associated with the specific of the contract as well as overhead costs. Only NJDOT approved overhead rates are used. The approved overhead rate is to be used for the estimating, negotiating and making payment on the contract.

If a satisfactory negotiation cannot be reached with the number one Firm, then cost proposal of number two Firm will be opened.

All other Cost Proposals are returned unopened after a successful negotiation process.

3.5 Project Design Authorization

The RC/PM submits the documentation of the Consultant selection process to NJDOT- Local Aid District Office for approval after the selection of the Consultant and cost proposal negotiation.

After written authorization from NJDOT- Local Aid Office, Little Egg Harbor Township executes a contract with the Consultant for the amount authorized.

3.6 Award of Design Contract

The RC/PM recommends to Little Egg Harbor Township Business Administrator/Governing Body, the award of contract for the negotiated cost. After review and comments, the Business Administrator approves the recommendation to the Municipal Council to approve by Resolution.

Little Egg Harbor Township Counsel's Office prepares a Contract for execution by the Consultant.

3.7 Federal Agreement for Design Services

In order to receive federal-aid funds for a project, Little Egg Harbor Township executes a project specific Federal Aid Agreement (FAA) with NJDOT.

NJDOT-Local Aid prepares and submits to Little Egg Harbor Township a Federal Aid Agreement, a cost reimbursement agreement between Little Egg Harbor Township and NJDOT, Division of Local Aid and Economic Development for Little Egg Harbor Township signatures.

Four (4) copies of the originally signed Agreement along with four(4) copies of the originally signed Resolution are returned to NJDOT-Local Aid Office for execution by the Department.

NJDOT-Local Aid Office returns one copy of Executed Federal Aid Agreement to Little Egg Harbor Township. No work can be done until this agreement is fully executed

3.8 Consultant Contract Administration

The consultant under the supervision of the RC/PM prepares documents for the appropriate design phase. This may include such documents as the preliminary plans, specifications, and engineer's estimate (PS&E). The RC/PM reviews the documents produced in each design phase and provides comments to the consultant. The consultant revises the documents and submits all revisions back

to Little Egg Harbor Township for record; copies of the submittals are submitted to NJDOT-Local Aid Office for review and approval.

The Consultant revises the PS&E package and Little Egg Harbor Township submits the revised preliminary PS&E to NJDOT-Local Aid Office for review. The following documents are needed for the preliminary submission:

- a. Preliminary Plans and Specifications
- b. Engineer's Estimate

The following documents are needed for the final submission:

- a. Final Plans and Specifications
- b. Engineer's Construction Estimate (no older than 30 days from the time of submittal)
- c. Design exception (if applicable)
- d. Project Schedule
- e. Design Certification
- f. Right of Way Certification*
- g. Utility Certification
- h. Permit Certification with copies of the permits (if applicable)
- i. Railroad Certification
- j. Advertising assurance letter
- k. Funding assurance letter
- l. Response to NJDOT comments

*Any need for right-of-way, as determined by the design consultant, will be processed in accordance with NJDOT-Local Aid and NJDOT Right-Of-Way Guidelines for Federally Funded Projects procedure. A right-of-way approval must be obtained from NJDOT Right-Of-Way Office to be part of the final design package. The Township ROW procedure must be approved by NJDOT ROW before any ROW work is done. Little Egg Harbor Township acquires any needed **right-of-way** in accordance with the NJDOT-Local Aid and "NJDOT Right-of-Way Guidelines for Federally Funded Projects" procedure and the Uniform Act.

For projects with estimated construction costs of \$12.5 million or more, Little Egg Harbor Township in accordance with N.J.S.A. 52:15C-10, notifies the Office of the State Comptroller as early as practicable, but not later than 30 days before advertisement.

Little Egg Harbor Township will receive a letter from NJDOT Local Aid approving the Final PS&E submission. Once the project is authorized by FHWA and NJDOT, Little Egg Harbor Township receives a written authorization to advertise for construction along with an award checklist and funding agreement from NJDOT-Local Aid Office.

3.9 Consultant Contract Monitoring (For Design or CM/CI)

Little Egg Harbor Township monitors the selected consultant work throughout the contract assigning a full-time employee as Responsible Charge, who schedules a kickoff meeting with the consultant and representatives from NJDOT Local Aid to discuss the following:

- a. Scope of Work
- b. Sub consultants
- c. Project schedule
- d. ESBE/DBE compliance
- e. Change order
- f. Payment procedures
- g. Affected agencies

The RC/PM schedules monthly progress meetings with the consultant to discuss the project progress and any Little Egg Harbor Township comments on the progress plans and specifications.

The RC/PM reviews the monthly payments submitted by the consultant to ensure the costs are consistent with the contract terms and progress of the consultant's work.

The RC/PM reviews ESBE/DBE goal compliance along with the consultant progress schedule and makes monthly payments to the consultant based upon approved invoices submitted.

The RC/PM submits invoices for reimbursements to NJDOT-Local Aid Office monthly or at minimum quarterly or as requested. The invoice package includes:

- a. Copies of the consultant invoices
- b. Proof of payments
- c. Project progress schedule and description

Narrative description of work performed during the payment period and any difficulties or delays encountered include;

Design Consultant:

- 1) comparison of actual accomplishments to the goals established for the payment period;
- 2) comparison, by tasks, of costs incurred with amounts budgeted, and;

Design or CM/CI:

- 3) comparison, by task, of work performed compared to the schedule, including a percentage of the total work completed. This requirement can be met by including a bar chart showing schedule timing and actual progress.
- 4) Copies of contract compliance documents as completed for the voucher payment period by the Resident Engineer that is designated by the Subrecipient, a complete set of which shall be furnished by the State at kickoff and/or

preconstruction meetings

4.0 Consultant Evaluation

Little Egg Harbor Township evaluates the Consultant's performance at the completion of the contracts for design services, construction support services, and construction inspection services. An additional evaluation is also performed for the overall project design. Little Egg Harbor Township evaluates the Consultants on:

- a. Adherence to schedule,
- b. Quality of work and
- c. Project Management.

Little Egg Harbor Township evaluates the consultant performance once each contract is completed. (The Consultant Evaluation Form is included in Appendix D). Little Egg Harbor Township holds the consultant liable for any errors and omissions resulting in construction increased cost.

The Consultant evaluation is recorded on forms prepared by Little Egg Harbor Township. The forms include the evaluation categories, the weight of each category, and the eligible rating for each category. Guidelines are prepared for rating of each of the categories to provide a consistent rating.

For the design service phase, the RC/PM rates the Consultant using the information from the written log of the Consultant performance developed by the RC/PM during the design phase of the project.

For the construction support services area, the RC/PM rates the Design Consultant based on the written log developed by the RC/PM during the construction phase and on information received from the Resident Engineer and Inspector. For the construction inspection services phase, the RC/PM rates the Consultant based on the written log developed by the RC/PM during the construction phase.

Little Egg Harbor Township prepares an evaluation of the overall quality of the design project detailing any errors and omissions and their impact to the project cost and schedule after completion of the construction. Little Egg Harbor Township RC/PM reviews and signs the evaluation forms and discusses the evaluation with each Consultant.

Little Egg Harbor Township keeps records of consultant selection and executed contract on file for a minimum of seven years following submittal of final invoice to NJDOT-Local Aid Office.

5.0 Advertisement/Award of Construction Contracts

- Little Egg Harbor Township/RC will send NJDOT Local Aid a schedule of advertisement, anticipated bid date, start date for construction, and a current construction bar chart (Critical Path Method Schedule.) prior to advertisement. NJDOT Local Aid must review

and approve the Advertisement. Upon approval, Little Egg Harbor Township will advertise the project for construction bids within 60 days from the date of the Construction funding authorization letter from NJDOT Local Aid.

- If Little Egg Harbor Township uses its own format for the bid proposal; 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 NJDOT and FHWA's prior approval and authorization.

Little Egg Harbor Township RC/PM submits bid documents (Plans, Specifications & Estimate) to the Governing Body/Business Administrator's Office, requesting advertisement of the project.

The project advertisement is published once a week for three consecutive weeks in two legal newspapers (1 Local and 1 Regional). Little Egg Harbor Township allows a minimum of 10 working days after the last date of advertisement prior to receiving bids. Copies of all advertisements must be submitted to the NJDOT Local Aid.

The Contract completion date as noted in the bid documents will be specified in the project specifications with provisions for liquidated damages as per NJDOT 2019 Standard Specifications for Road and Bridge Construction section 108.20.

A pre-bid Conference may be scheduled by Little Egg Harbor Township to inform potential bidders of Civil Rights requirements.

Little Egg Harbor will place the following language into the construction bid solicitation:

- The Disadvantaged Business Enterprise goal is ____%. These requirements should be indicated in the proper locations on Federal Attachment No. 1.
- The number of Training Positions will be '___' where feasible consisting of at least '___' Apprentices and '___' Trainees (Total Trainees Hours = ____). These requirements will 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.
- 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.

- General wage determinations issued under Davis-Bacon and related acts, published by US Department of Labor, may be obtained from the Wage Determinations online

website at <https://beta.sam.gov/search?index=wd>. Select state, Township and construction type heading: HIGHWAY where the Project is to be performed then click Search.

- 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 website at https://www.nj.gov/labor/wagehour/wagerate/prevaling_wage_determinations.html. The State wage rates in effect at the time of award are part of this Contract, pursuant to Chapter 150, Laws of 1963 (N.J.S.A. 34:11-56.25 et seq.).
- If an employee of the Contractor or subcontractor has been paid a rate of wages less than the prevailing wage, the Department may suspend the Work, and declare the Contractor in default.

The Wage Rates from the above listed websites must be downloaded not more than ten (10) days prior to advertisement and inserted into the final bid specifications.

- “Proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.3, 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-20.3 et seq. and 19:44A-20.25 et seq., will not adversely affect your consideration for award.”

Little Egg Harbor Township will receive the bids at the time and place specified, and verifies the required documents shown on the Bidder's checklist are included in the bid proposal at the bid opening. The RC/PM is also present at the bid opening.

Representative of Little Egg Harbor Township provides the RC/PM with copies of all responsive bids proposal packages after the bids are opened and read to the public. The RC/PM provides a copy of the bids (meeting Little Egg Harbor Township and NJDOT Civil Rights requirements listed below Pre-Award of Contract) to the engineering firm retained to perform construction support services, requesting a bid analysis to ensure that bids are balanced. The engineering consultant makes recommendation and notes any discrepancies.

Pre-Award of Contract

- Little Egg Harbor Township's solicitation will state that bidders must submit the following forms either at the time of bid or within 5 days after bid opening:
 - A completed and signed Form CR-266 – Schedule of DBE/ESBE/SBE Participation listing each DBE firm being used to meet the Contract goal.

Forms can be downloaded from:

<http://www.state.nj.us/transportation/business/civilrights/forms.shtm>. Revisions to the CR-266 will not be accepted after its initial submission and prior to award of the Contract. (A statement that all forms can be downloaded from the site location above will be included in the Specifications and Bid Advertisement)

- 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.

Note - If the Department (NJDOT) determines that the apparent lowest responsive Bidder has failed to commit to meet the Contract DBE Goal and made adequate good faith efforts to do so, the Department (NJDOT) must, before awarding the Contract, provide the Bidder an opportunity for Administrative Reconsideration. Little Egg Harbor Township will start the process of Administrative Reconsideration. The ADMINISTRATIVE RECONSIDERATION will follow the process shown in the 2019 STANDARD SPECIFICATION SECTION 102.13.01 BIDDERS PRE-AWARD REQUIREMENTS PART 3.

Immediately after the five day Civil Rights document submittal period following the bid opening, Little Egg Harbor will verify that all forms have been submitted and email to the Local Aid project manager as well as cc. DOT-CR.Verifications@dot.nj.gov the following:

- The above noted forms submitted by each bidder.
- A list of all responsive bidders as determined by the Little Egg Harbor's Legal Department in the order of lowest bidder to highest bidder.

The process for contractors who fail to meet the required contract goal can be found in Section 102.13.01 of the 2019 NJDOT Specifications. A request for an administrative reconsideration can be made as per Section 102.13.01 of the NJDOT 2019 Standard 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 Township 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. Little Egg Harbor will then be notified that they can proceed with the award of this project.

LITTLE EGG HARBOR TOWNSHIP MAY NOT AWARD A CONTRACT PRIOR TO THE DEPARTMENT'S APPROVAL AS PER SECTION 102.15 "DISQUALIFICATION OF BIDDERS" IN THE PROJECT SPECIFICATIONS CONSISTENT WITH 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

- Little Egg Harbor will award the construction contract within 4 months of the date of the authorization to advertise notification from NJDOT Local Aid. Little Egg Harbor understands that failure to award construction within 4 months of NJDOT's letter may result in the withdrawal of funding. Withdrawal of funds may require the project to be reprogrammed by the MPO and rescheduled for approvals in the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) and reauthorization of funds by FHWA. This could result in significant project delays.
- Upon award of construction contract, Little Egg Harbor will submit the following to NJDOT Local for the concurrence in the award of construction contract:
 - Certified copy of the bid summary
 - Award Concurrence Checklist
 - Affirmative Action Plan for Prime & Sub-Contractors approved by Division of Civil Rights
 - Byrd Anti- lobbying Amendment Certification
 - Original resolution of award
 - Bid analysis*
 - Affidavits of advertisements
 - Written verification that contractor and/or subcontractors are not on the debarred list
 - Record of Bid opening
 - Copy of Construction Contract Award Letter
 - Letter identifying Elmwood Park's Responsible Charge for the Project

NOTE - The Township may jeopardize the Federal Funds if the Township enters contract with prime contractor without Award Concurrence from Local Aid or without the approval of Civil Rights.

- If the bids are rejected for any reason, NJDOT Local Aid will be notified in writing before readvertising. A written justification for the denial will also be submitted.
- *Little Egg Harbor will 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} per the Guidelines: <http://www.fhwa.dot.gov/programadmin/contracts/ta508046.pdf>.

Construction Project Agreement - Little Egg Harbor will provide the following to NJDOT Local Aid (under separate cover letter)

- Within 45 days of receiving the agreement, Little Egg Harbor will provide two (2) original signed and sealed copies of the Construction agreement along with a signed/sealed Resolution for execution by the NJDOT.
- Certification by Little Egg Harbor that all projects constructed with Federal funds require full-time construction inspection and oversight. Little Egg Harbor understands that failure to follow all 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.

In addition, the RC/PM and/or the Design Consultant performs the following:

- a) Reviews recommendation letter from the consultant and requests corrections as necessary
- b) Verifies DBE/ Contractors are on the NJ certified list.
- c) Verifies that the DBE/ requirements are being met and that approval from NJDOT Civil Rights has been received.
- d) Verify that Form CR 266 was approved by Civil Rights prior to award of Contract

If Little Egg Harbor Township rejects the bids, they must notify the Local Aid Office in writing, explaining the reason(s) the bids were rejected as per Federal Aid Policy Guide. The FHWA has to be notified prior to Little Egg Harbor Township re-advertisement of the project (as per 23 CFR section 635.114).

Once the bid analysis is accepted and completed, and approval from NJDOT Civil Rights received, a letter recommending the award is submitted to Little Egg Harbor Township's Governing Body/Business Administrator's Office who contacts the selected construction company and requests the necessary legal documents for the award of contract. Once the legal documents are

submitted, the contract is scheduled to be presented before the Municipal Council for adoption of Resolution to approve award the contract.

Little Egg Harbor Township Counsel prepares a contract to be signed by authorized representatives of both Little Egg Harbor Township and the lowest responsible bidder after Little Egg Harbor Township receives a letter of concurrence of award from the NJDOT. The contract does not become effective until it has been fully executed by all parties.

6.0 Construction Project Management

Title 23 CFR 635.105 specifies oversight requirements for locally administrated federal aid construction projects, which mandates a full-time employee to be responsible charge of Federal-Aid construction projects and to work in conjunction with the consulting company providing Construction Management and Construction Inspection Services outlined by the RFP as described in a separate section of this document.

In accordance with 23 CFR 635.105, a full-time Little Egg Harbor Township employee will be designated to be the "Responsible Charge" for each federally funded project. This protocol will be required and applied even when consultants are providing design/contract administration/ or other engineering services on the project.

6.1 Responsible Charge/Project Manager (RC/PM)

Little Egg Harbor Township will provide a full-time employee as required by Title 23 CFR 635.105(a) to be in responsible charge of the construction project. The responsible person in charge is the RC/PM for the project. This applies even when a Consultant provides construction engineering services. The RC/PM is involved in the entire project from start to finish, including the close out process. The RC/PM is required to have completed the Rutgers CAIT Responsible Charge Training Course. A RC/PM can be, if needed, acting as responsible charge on more than one project and directing Little Egg Harbor Township personnel to specific projects.

The RC/PM is aware of the qualifications, assignments and on the job performance of the consultant.

The RC/PM schedules the pre-construction meeting after the contract has been signed, and insurances and bonds are posted to the satisfaction of the Corporation Counsel thru the Legal Department. A Notice to Proceed is issued after the pre-construction meeting specifying the start date, the duration of the project as per the specifications and the completion date.

The RC/PM, who is accountable for the project, may share duties with the Resident Engineer (Consultant Inspection Services), however the RC/PM is responsible for the following:

- a. Administers Government project activities, in regard to cost, time, adherence to contract requirements, construction quality and scope of Federal-aid-projects.
- b. Maintains familiarity of day to day project operations, including project safety issues. At a minimum, requires to the Resident Engineer to check daily the maintenance and protection of traffic control to ensure it is set up as established on the bid documents and

request the Contractor to resolve any non-conformance issues found.

- c. Makes and participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements.
- d. Visits and reviews the project site on a frequency appropriated to the complexity of the project, maintains record of these visits on a hard copy diary document.
- e. Reviews financial processes, transactions and documentation to ensure that safeguards are in place to eliminate the possibility of fraud, waste and abuse and for accuracy and compliance with the plans and specifications.
- f. Directs project staff, Little Egg Harbor Township or consultant, to carry out project administration and contract oversight, in all aspects including proper documentation in regarding records and daily entries.
- g. Ensures that the project receives adequate supervision and inspection to ensure that work is accomplished in conformance with approved plans and specifications.
- h. Ensures Source Documents related to material testing, material certifications, daily inspection report, DBE participation, project completion, project schedules and Buy America certifications to be strictly controlled by the Resident Engineer (retained consultant) under direct supervision of the RC/PM to ensure that all records are properly maintained.
- i. Verify that the Form CR-266 has been approved by Civil Rights prior to Award of Contract.
- j. Ensure that prime contractor is not executing pay items designated for DBE Subcontractor, as approved by Civil Rights.
- k. Follow Civil Rights process for changing, replacing, substituting and omitting a DBE from the Project.

6.2 Construction Inspection

Title 23 CFR 635.123 requires projects receive adequate supervision and detailed construction inspection to ensure construction is completed in conformance with the approved plans and specifications. All activities delineated in this Section are to be done by the consultant selected for Construction Inspection Services as Resident Engineer/Inspectors, under the supervision of the RC/PM, who will request revisions or additional information as needed.

The Construction Inspection provider is required to ensure that the project is in compliance with all Federal Regulations during the life cycle of the project. The penalty, in dollar amount, imposed by NJDOT or FHWA for any loss of revenue due to lack of vigilance will be recovered from Construction Inspection Firm. This provision will be included in the Construction Inspection Contract.

Little Egg Harbor Township procures Consultant for Engineering Inspection Services which in conjunction with the RC/PM will oversee the construction and to ensure construction is completed in conformance with the approved plans and specifications.

Following the preconstruction meeting, the Contractor must agree to commence work on a date to be specified in a written "Notice to Proceed" by the RC/PM and fully complete the project within the specified calendar days in the contract documents.

Attendees of the pre-construction meeting will be the RC/PM, Contractor, construction inspection consultant, the design consultant, police, utility companies, local representatives, and NJDOT-Local Aid Office, and NJDOT Civil Rights. The following items will be included in the pre-construction meeting agenda:

- a. Project Description
- b. Key personnel
- c. Construction schedule
- d. Utilities,
- e. Maintenance and protection of traffic
- f. Sub contractors
- g. Items of Construction
- h. Progress meetings frequency
- i. Material Questionnaire
- j. Change Orders
- k. Material sampling requirements
- l. Certificates of compliance for all materials
- m. Buy America requirement
- n. DBE goal and requirements
- o. Trainee Goals & Requirements (if Applicable)
- p. Title VI and Sexual Harassment Policies (Posted at Project Site)
- q. NJDOT Policy and Procedure No: 013.00 DC-18 A (APPROVAL TO SUBLET).
- r. Invoicing
- s. All other federal guidelines and requirements
- t. Final inspections

A NJDOT representative will discuss the Federal Project Requirements and will describe their role of routine check for compliance, additional federal forms will be provided to Contractor.

No construction work shall be allowed on the project before the Federal Aid agreement is executed between the NJDOT and Little Egg Harbor Township, a pre-construction meeting is held, the progress schedule is approved, the field office has been established, and the right-of-way limits, limits of the construction, environmentally restricted areas have been laid out and all environmental agencies that issued permits have been notified. The resident Engineer under the supervision of RC/PM, will schedule, create agenda, maintains notes and records all related to progress meetings. Progress meetings will be arranged as often as necessary.

Resident Engineer reviews all the items submitted by the Contractor such as but not limited to material questionnaire (DC-2891), list of Sub-contractors, affirmative action plan, list of DBE Firms, project work schedule, list of the emergency contact telephone number, material

certifications, list of suppliers and mix design reports.

Little Egg Harbor Township, in executing the inspection of the project, will use the 2019 NJDOT Standard Specifications, the approved project Supplementary Specifications, NJDOT Standard Roadway Construction, Traffic Control and Bridge Construction Details, MUTCD and the project plans. The field inspection team will accurately maintain records during construction including daily inspection reports, engineer's diary, material delivery tickets, material certifications, material questionnaires DBE requirements, material testing results and Buy America Certification.

All activities on the project are documented in the daily inspection reports using NJDOT Daily Inspectors Report Form (DC-29 or approved equal) and an Item Summary Sheet. The inspections report are supplemented with field notes that includes measurements (length, width, depth, slope), calculations (area, volume, weights), sketches, a statement of compliance with the plans and specifications, any field changes, comments, delivery tickets that have to be received and initialed by the inspector before placement.

The Resident Engineer will use the summary of pay items to develop the monthly payments and submit them for review to the RC/PM.

The Resident Engineer will ensure that testing of materials is properly conducted and documented in the project file and referenced in the daily reports. The inspection reports are signed and dated by the Inspector and reviewed and initialed by the Resident Engineer. The item summary sheets are used to verify and negotiate the Contractor's payment requests.

The inspection team performs wage rate inspection using the required forms including Form DC-126 and verify that the prevailing wage rate requirements of 23 U.S.C. and the Davis-Bacon Act are met.

The inspection team will make sure that all the environmental commitments and/or permit requirements are met and all required Civil Rights notices are posted at a location visible at the project site. These will be documented in the daily inspection reports.

The maintenance and traffic control plan impacting work zone and pedestrian safety must be reviewed by the resident engineer on a daily basis and be in compliance with the MUTCD and a request to the Contractor to correct or supplement accordingly. A record of this daily inspection must be included on the daily report. The inspection team shall ensure that all the pedestrian facilities constructed in accordance with Section 504 of Rehabilitation Act of 1973 and Title II of ADA Act of 1990 and in accordance with AASHTO standards and Americans with Disabilities Act, Accessibility Guidelines (ADAAG).

The inspection team, under the RC/PM supervision, monitors and requests corrections from the Contractor as needed of: progress schedule, Contractor payments and contract completion to make sure full adherence to the approved schedule and specified contract time.

The inspection team shall monitor that the DBE/ESBE goals identified in the approved bid documents on the Form CR-266F-Schedule of DBE Participation for the project are met. The

inspection team verifies and ensures that the work to be performed by DBE Sub-contractors is being performed by the previously approved DBE Firms listed on the Form CR-266F. The Resident Engineer will use the daily reports to document the on-site monitoring.

Any changes to the DBE Goals or Contractors must be submitted to NJDOT on revised Form (CR-266) for approval. Section 108.01 of the NJDOT specifications must be followed.

The RC/PM submits to NJDOT the following documents monthly:

- a. Form DC-126 - Wage Rate Inspection
- b. Form DC-127- Monthly Summary of Contractors Payrolls
- c. Form 347 Statement of Compliance and Certified Payrolls
- d. Form CR-267 -Monthly Report, DBE Utilization
- e. Proof of payment to all subcontractors (DL-72)
- f. Cancelled checks as proof of payment for DBE subcontractors

The RC/PM ensures that the Contractor and his sub-Contractors submit CC-257 electronically each month. Copies shall be submitted to NJDOT Local Aid Office with each payment voucher.

6.3 Payment Procedure

Project Billing

- Little Egg Harbor will provide NJDOT Local Aid with an initial billing (payment voucher) 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. Little Egg Harbor understands that failure to meet the billing requirements may result in the restriction of authorization of any future FWIA funding until such time as progress on timely billings is demonstrated.
- The project will be considered “Inactive” if Little Egg Harbor fails to submit an invoice within the durations described in 23 CFR 630.106. It is Little Egg Harbor’s responsibility to ensure that the federal funding is not jeopardized for this project due to an “Inactive” project status.

The Contractor submits request for payments to Resident Engineer who verifies the work and quantities. The RC/PM reviews them for completeness.

The monthly payment estimates are prepared based on the field measured quantities recorded in the daily inspection reports, and the summary of the pay item sheets, and include payments for the quantities of work that have been fully completed and are acceptable to the Resident Engineer and RC/PM.

The RC/PM verifies bid unit prices and calculation of payment amount.

The RC/PM verifies Contractor submission of certified payroll, DBE utilization report (if applicable), monthly utilization report, and training report (if applicable) and notifies the

Contractor if any additional information is needed.

The RC/PM stamps the invoice with the date it was received. The RC/PM has 10 days to review the invoice. If prompt payment is applicable, Little Egg Harbor Township shall make payment to vendors on or before sixty (60) calendar days from the date on which the properly executed Payment Voucher was received, or the receipt of goods or services, whichever is later.

The RC/PM will ensure NJDOT'S Standard Specification are enforced which require prime contractors pay subcontractors and suppliers for satisfactory performance of their work. Depending up on the particular terms of the contract, payment is required either, no later than 30 days or no later than 10 days of the prime receiving payment from DEPARTMENT/LITTLE EGG HARBOR TOWNSHIP/GRANTEE. This includes payment of full retainage and subcontractors paying their subcontractors and suppliers. This payment details must be outlined in Form DL-72 and submitted regularly as required by Civil Rights.

All deficiencies that prevent processing will be identified and the invoice will be returned to the vendor within 10 days of receipt by letter citing the deficiencies. The return date shall be recorded in the log.

Mathematical errors or other items identified as non-payable items can be marked within the payment voucher package. Any changes must be crossed out, and the initials and date must be placed next to the change(s). The payee shall be notified of any reductions.

NJDOT will not provide payment for any IMPROPER PAYMENTS made by Little Egg Harbor Township including but not limited to following:

- The item summary sheet and source document are mismatched.
- The Steel or Iron items installed missing BUY AMERICA CERTIFICATE.
- The prime contractor executed pay items which were designated for DBE Subcontractor as approved by Civil Rights.
- When the Federal Project is INACTIVE.
- In the case of non-compliance of Federal Regulations.
- The CUF (commercially useful function) is not performed by DBE.
- Any penalty imposed by Civil Rights for lack of CUF, SHORTFALL IN DBE GOAL ACHIEVEMENT, MINIMUM WAGE REQUIREMENT or other associated issues.

For Professional Services: The consultant sends a certified invoice with progress schedule to the RC/PM; the RC/PM reviews the invoice to ensure there are no discrepancies. If the invoice has no discrepancies, the RC/PM makes recommendation for payment to Little Egg Harbor Township Business Administrator/ Finance Department to issue a Purchase Order for the Consultant signature. Once the signed Purchase Order is returned to the Finance Office, a check is mailed to the vendor.

For Construction Services: The contractor sends the invoice to the Resident Engineer who reviews the invoice to ensure there are no discrepancies. If the invoice has no discrepancies, the

RE recommends payment to the RC/PM; the RC/PM reviews the invoice to ensure conformance. If the invoice conforms, the RC/PM recommends payment to Little Egg Harbor Township Business Administrator/Finance Office who in turn reviews/approves the invoice and issues a Purchase Order for the Contractor signature. Once the signed Purchase Order is returned to Finance, a check is mailed to the vendor. The following criteria shall be met for an invoice to be processed:

- a. Payee has signed and dated the invoice. At least one copy must have an original signature.
- b. Payee has signed and dated the Payment Voucher declaration.
- c. Progress report shall accompany the invoice, in accordance with Section 6.2 (b) of the Federal Aid Agreement.
- d. Evidence of costs incurred to date in the form of payroll certifications or receipts of contractor payments.
- e. Federal contract compliance documents in accordance with Section 6.2 (b) of the Federal Aid Agreement have been submitted and verified during the billing period.
- f. Change Orders if applicable (prior approval required)
- g. Cost incurred dates for all submissions are within the appropriate timeframe. For example: billing period, following authorization, notice to proceed, and approved contract modification dates, prior to contract completion dates, etc.

Request for Partial payments to NJDOT

The RC/PM prepares the documents and submits invoices for reimbursement to the NJDOT-Local Aid Office either monthly or quarterly on PV forms in accordance to the Federal Aid Guidelines

Progress Reports will accompany all payment vouchers and shall include:

- 1) narrative description of work performed during the payment period and any difficulties or delays encountered;
- 2) comparison of actual accomplishments to the goals established for the payment period;
- 3) comparison, by tasks, of costs incurred with amounts budgeted, and;
- 4) comparison, by task, of work performed compared to the schedule, including a percentage of the total work completed. This requirement can be met by including a bar chart showing schedule timing and actual progress.
- 5) Copies of contract compliance documents as completed for the voucher payment period by the Resident Engineer that is designated by the Subrecipient, a complete set of which shall be furnished by the State at kickoff and/or preconstruction meetings.
- 6) Electronic copies of the DC-29s (or DC-144 or approved equal) and an item summary sheet for that voucher payment period.

Final Inspection, Payment and Closeout

- Requests for final inspection and acceptance to NJDOT shall be made by Little Egg Harbor no later than 30 days following Substantial Completion of construction.
- Close-out documents shall be submitted by Little Egg Harbor to NJDOT within 6 months of receipt of acceptance by NJDOT.

Little Egg Harbor understands that failure to meet the time requirements for project close-out may result in the restriction of authorization of future FWHA funding until such time as progress on close-out is demonstrated.

Little Egg Harbor may appeal decisions made by NJDOT regarding all above compliance issues on a case-by-case basis, but NJDOT reserves the right to make a final determination whether to continue funding the project or not. Little Egg Harbor understands that NJDOT will be reviewing the status of the federal-aid agreement and the issues associated with compliance on a monthly basis.

The Resident Engineer, the Design Consultant, and the RC/PM in the presence of the Contractor will perform the final inspection once all the pay items of the project have been completed. The Resident Engineer will provide the Contractor with a punch list of items to be corrected.

The RC/PM also notifies the NJDOT-Local Aid in writing that the project is substantial completed, once all the pay items have been completed.

NJDOT-Local Aid will inspect the project site along with the RC/PM and Resident Engineer/Inspector and inform Little Egg Harbor Township of any necessary corrective action required in writing

The RC/PM will notify the NJDOT in writing after the Contractor has corrected the work included in the punch list and the corrective action list developed by the Resident Engineer/inspector and NJDOT.

NJDOT and Little Egg Harbor Township will perform the final inspection and if Little Egg Harbor Township and NJDOT deem all the work acceptable, the RC/PM will begin preparing the final change order (if required), final payment, and as-built quantities.

6.4 Chief Financial Officer Certification

After final payment has been submitted and paid. The RC/PM submits the project file to the Chief Financial Officer who in turns assigns staff from the Finance Department to conduct internal review and audit. The internal auditor may recommend revision and amendment to the project cost, if necessary. Once audit is completed the Chief Financial Officer certifies the project total cost.

The RC/PM submits the following to NJDOT once the final payment has been issued to the Contractor.

- a. Final Payment Voucher (Form PV) along with back up documentation (copies of the payments to the Contractors)

- b. Chief Financial Officers Certification
- c. Engineer's Certification for Project Completion
- d. Federal Aid Change Order (Form DC-173A)
- e. List of As-built quantities
- f. Evidence of Contractors and sub-contractors Payroll compliance
- g. Form DC-123- Contractors Final Certificate of Compliance
- h. Form DC-126- Wage Rate Inspections
- i. Form DC-127- Monthly Summary
- j. Form 347- Statement of Compliance
- k. Evidence of Contractor's EEO compliance
- l. Form CC-257- Monthly Employment Utilization Report (electronically)
- m. Release Statement from Agreement for Federal Aid
- n. DC-29's (or approved equal) and an item summary sheet (electronically)
- o. CR-268
- p. Calculations for asphalt and fuel price adjustments
- q. Letter certifying all corrective work has been completed
- r. and any other forms and/or documentation deemed necessary

The RC/PM organizes and stores the file for the project indefinitely.

Records Retention

As per State of New Jersey Requirements, "All documents and records, from Consultant Selection through completion of Construction, up to and including payment of the final invoices and vouchers, will be retained for a minimum of 7 (seven) years following payment of final invoice and closeout of the project. Warranty item documents will be retained for a minimum of 3 (three) years from the end of the warranty period."

6.5 Source Documentation

Little Egg Harbor Township complies with Title 23 CFR 635.123 to provide for adequate assurance that the quantities of completed work will be determined accurately and on uniform basis. All related source documents upon which payment is based must be matter of record, as basis for the determination of acceptable pay quantities and monthly payments to the Contractor. The means and methods consisting of notes and/or daily reports for the documentation of length, width, depth and slope, calculations of area, volume, weights, sketches must be presented by the Resident Engineer, assigned to the project to protect the public interest and to ensure that the number, size, and characteristics of what being delivered match the plans/specs. The following is a list of the documents and procedures normally accepted as proper source of documentation:

- a. Delivery tickets are received initialed by inspector prior placement of materials
- b. Testing of materials is documented in the project files and referenced in daily inspection reports.
- c. Form DC-29 (or DC-144 or approved equal) is used for daily inspection reports and the instruction on the DC-29 are followed. DC's are supplemented with field notes, pay quantity summaries and photographs that tie the work being done to

the plans, specifications and related contract documents
(<http://www.state.nj.us/transportation/business/localaid/documents/DC29>)

- d. Inspection reports are signed and dated by the inspectors.
- e. The Resident Engineer reviews and initials the daily inspection reports.
- f. The Resident Engineer prepares a summary of pay quantities based on the daily inspection reports
- g. The Resident Engineer uses the summary of pay items to develop periodic pay estimates for the RC/PM. The summary of pay items must be used for comparison and negotiations of Contractor payment request. The RC/PM must ensure proper payments are being made in accordance with the contract provisions. Upon acceptance of the negotiated Contractor payment, a voucher request will be forwarded to Little Egg Harbor Township Chief Financial Officer for Contractor payment.
- h. The Resident Engineer reviews prevailing wage rate requirements of 23 U.S.C and the Davis-Bacon Act, and documents in Little Egg Harbor Township's project files.
- i. NEPA and all environmental commitments and/or permit requirements must be met and documented in the daily inspection reports.
- j. All pedestrian facilities must be constructed or reconstructed in accordance with the American with Disabilities Act (ADA) of 1990; Section 504 of the Rehabilitation Act of 1973; 28 CFR Part 35.151 (c) and NJDOT Standard Construction Details.
- k. DBE requirements are monitored and enforced to ensure compliance with 49 CFR 26; the contract plans, specifications and related contract documents; the NJDOT Construction Handbook Section V, Subsection B and NJDOT DBE/ESBE Programs.

6.6 Buy America

Steel or iron products including application of coating permanently incorporated into federal-aid projects must be manufactured in the United States as per Title 23 CFR 635.410 requirements. These requirements apply to the entire federal-aid project. There is no exemption for steel and iron purchased with other than federal funds. Minimal use of foreign steel or iron is permissible if the cost of such materials does not exceed one-tenth of one percent of the total cost or \$2,500, whichever is greater.

Pursuant Section 3 of this document, the RC/PM, as responsible charge, will request to the Resident Engineer and Inspector to ensure that the Buy America Certification be provided at the time of material delivery. No steel or iron will be incorporated into the project without a signed Buy America certification. The certification must be properly labeled as per project specific, and be current, dated, signed and notarized, and specific to the materials at hand and should be delivered prior to steel/iron material is installed. The certification must be printed on the supplier letterhead. This will be documented in the daily inspection reports.

The Resident Engineer will maintain a log of all the steel placed on the project; permanently incorporated, temporary, and temporary but must remain in place (stay in place forms, temporary sheeting left in place by the Contractor).

6.7 DBE/Trainee Compliance

A specified DBE goal is received from NJDOT-Local Aid by Little Egg Harbor Township and included on the Federal Attachments of the bid documents. The RC/PM and the Resident Engineer continuously monitor DBE and Trainee participation and perform Commercial Useful Function reviews as the project progresses and are responsible for ensuring the DBE contract goals will be met at the time of project completion. Under the supervision of the RC/PM, the Resident Engineer is responsible and maintains a separate file for:

- a. Verification of Recommendation to Award memorandum and the schedule of Participation DBE Form CR-266, to determine status of Sub-contractors to monitor for compliance.
- b. During the course of the Contract, monitors true participation by comparing DBE goal commitments against Request for Approval to Submit Form DC-18; also, cross check the daily reports with each affected Form DC-18, the Recommendation to Award and the Utilization of DBE/SBE Monthly Report Form CR-267.
- c. Ensure all DBEs are performing Commercial Useful Function (CUF) Reviews.
- d. Uses the Daily Work Report to document on-site monitoring of stipulated DBE work items and Contractor performing the work under to ensure compliance.
- e. Notifies the RC/PM and the Contractor in writing of any violations and will direct the Contractor to comply with the requirements. Revisions to the approved DBE program can be made only upon the Contractor submittal of the revised Form CR-266F. The resident Engineer must follow-up promptly to ensure timely solution.
- f. For any DBE/ESBE goal commitments, outlined in the Specifications, which are not fulfilled, the contractor must promptly submit supporting adequate Good Faith Effort with Form CR-268, this will be reviewed by RC/PM and recommended documentation for approval and sent to NJDOT-Local Aid Office. Changes to DBE compliance must be approved by NJDOT Office of Civil Rights.
- g. Executed sub contracts
- h. DC-18's, cancelled checks showing payment to sub-contractors – copies of front and back of check to be provided
- i. DC 18s must be provided to NJDOT Local Aid before subcontractors begin work.
- j. RC/PM monitors Trainee goal Requirements (If Trainees are Required) through on-site monitoring (DC-29A Daily Inspector's Report/or DC-144 or Approved Equal Local Form will be used to monitor the performance of the Trainees). Evidence of Contractor's Trainee compliance must be maintained throughout contract.
- k. Township will have Contractor provide and maintain Apprentice/Trainee Approval Memorandum Part "A", Biweekly Training Reports, Contractor's 1409 Quarterly Training Reports, and Training Certificate for each Trainee candidate assigned to project.

6.8 Contract Changes, Project Schedule, Contract Completion

Contract Changes/Change Orders

Changes in the plans and specifications, and extra work (if necessary) are to be done in accordance with the requirements of NJDOT Standard Specifications, Section 104.03 and Title 23 CFR 635.120 and the procedure outlined below.

Contract changes must be monitored and documented daily. The Contractor may not deviate from the requirements of the contract unless and until a field order is issued by Resident Engineer upon approval by the RC/PM and NJDOT Local Aid. Contract line item overruns are not permissible without formal requests by the Contractor and approvals by the RC/PM. All new or supplemental costs must be negotiated, itemized and justified. All documentation of the negotiations, including the basis of cost, must be on file and included in the change order request.

The Resident Engineer will notify the RC/PM once it becomes apparent that a change to the Plans and/or Specifications is required. After reviewing the plans and/or Specifications to determine if the change is valid and necessary in conjunction with the consultant who designed the project the potential extra work is evaluated and recommended for approval.

The RC/PM notifies the NJDOT- Local Aid Office once it has been established that a Change Order for changes in the contract quantity or extra work/new work is necessary and prepares a field order. The form shall state the description of the change or extra work (new work), reason for the change, value of the change (increases or decreases against the contract price). Time is also evaluated as part of the change order. This form will authorize the Contractor to proceed with the work upon written approval from NJDOT Local Aid.

The Contractor should provide to the Resident Engineer a detailed cost proposal (materials, labor, equipment, overhead) for extra (new work). The cost will be reviewed by the Resident Engineer and the RC/PM, documented, and negotiated based on the cost estimate prepared by the Resident Engineer, under the supervision and approval of the RC/PM, for the extra work cost presented by the Contractor. The negotiated costs will be included in the change order. The change order will be signed by the Contractor, the Resident Engineer and submitted to the RC/PM for review. If the price for extra/new work cannot be mutually agreed upon, Little Egg Harbor Township will initiate work by force account as per Section 104.03 of the Standard Specifications.

The RC/PM prepares a Federal Aid Change Order (DC-173A) and submits it to NJDOT for their review and approval once the Municipal Council approves the change order. The Change Order will serve as a contract document adjusting the contract price. Any amounts in excess of the authorized contract amount cannot be expended until the Change Order is approved. Time should always be evaluated as part of a change order, because it will change the contract time and contract completion date, therefore any change order must include the required additional time for extra work.

The RC/PM will notify NJDOT if during the course of construction, an inherent job condition should arise, and said condition, if not immediately corrected or changed, would unduly delay the Contractor. Upon the written authorization of the NJDOT, the Contractor will be instructed by

field order and Little Egg Harbor Township will proceed with the approval of the change order at the next available Municipal Council meeting.

6.9 Field Orders (Appendix E)

The RC/PM will notify NJDOT Local Aid, if during the course of construction, an inherent job condition should arise, and said condition, if not immediately corrected or changed, would unduly delay the project completion. The Contractor will provide to the Resident Engineer and RC/PM a detailed cost proposal (materials, labor, equipment, overhead) for extra (new work). The negotiated cost will be sent to NJDOT Local Aid and included in the Change Order (Form DC-173A). Upon approval by NJDOT Local Aid, the Contractor will be instructed by Field Order to proceed with the work.

The process for a Field Order shall be as follows:

- a. The contractor shall immediately notify the Resident Engineering that there is a need for a Field Order.
- b. The Resident Engineer shall set up a meeting in the field to include the Contractor and the RC/PM to discuss the needed change, potential cost impacts and potential changes to the Progress Schedule.
- c. Once the change has been agreed upon by all parties, the Resident Engineer shall issue, after the meeting, a written description of the change, including the immediate need for the change and the anticipated cost.
- d. The RC/PM will evaluate the Field Order request and, if acceptable, immediately notify the NJDOT Local Aid by e-mail. Upon written approval from NJDOT Local Aid, the Resident Engineer shall then issue a verbal approval to the contractor. The contractor can then proceed with the Field Order. The Resident Engineer will immediately prepare a written approval of the Field Order after verbal approval is given. The Resident Engineer shall record and verify all work and quantities related to the Field Order and immediately notify the RC/PM if the estimated work for the change should differ significantly from what was discussed. If there are significant differences, RC/PM shall decide whether a revised field change order is required.
- e. The RC/PM will proceed with the approval of the Field Order at the next available Municipal Council meeting and submit to NJDOT Local Aid for formal approval by use of a Federal Aid Change Order (Form DC-173A) as outlined above.

7.0 Contract Completion Date

Contract Completion – Time of Completion and Liquidated Damages shall be in accordance with NJDOT Standard Specification, Section 108.10. The RC/PM issues a formal “Notice-To-

Proceed” (NTP), once all Civil Rights documents have been submitted and approved by the NJDOT and all Pre-Construction Meeting Checklist items are completed. The NTP must include the Contract Completion Date.

The Resident Engineer with the supervision of RC/PM, schedules progress review meeting periodically to evaluate the progress on the project and request progress schedule updates from the Contractor. If the Contractor falls behind the schedule, the Contractor will be notified in writing and asked to make every effort to improve the progress.

The Contractor will be advised by the Resident Engineer, who will ensure that, contract time extensions will only be granted for excusable delays specified in Section 108.11 of the NJDOT 2019 Standard Specifications and shall be submitted and approved by Change Order as the project progresses and at the time an excusable delay occurs.

If the Contractor fails to complete the contract within the contract time specified in the contract documents, the Contractor will be charged liquidated damages for each working day that the Contractor fails to complete the construction project in accordance with the “schedule of liquidated damages” included in the project specifications.

The RC/PM monitors the project progress and the Resident Engineer and Inspector documents any contract delays throughout the duration of the project. A Contractor request for a contract time extension shall be fully justified, adequately documented, and submitted at the time the excusable delay occurred. A revised progress schedule will be submitted documenting how this delay affected the critical path of the project work. Contract time extensions need approval from NJDOT and Little Egg Harbor Township.

Liquidated Damages

Information regarding Liquidated Damages is included in the Contract Special Provisions – Time of Completion and Liquidated Damages are in agreement with 2019 NJDOT Standard Specification, Section 108.20, will be followed which is defined as the daily amount set forth in the contract to be deducted from the contract price to cover for additional cost incurred by Little Egg Harbor Township because of the Contractor’s failure to complete work within the specified Contract Time. The Contractor must be advised by the Resident Engineer that Liquidated Damages will be assessed at each time that the progress schedule is not been met.

LIQUIDATED DAMAGES or any other penalties proposed will be assessed from the original GRANT AMOUNT shown IN AGREEMENT. Little Egg Harbor Township is solely responsible for producing any documents required by Federal Highway or NJDOT during the project lifecycle during and after the project is closed out throughout the record retention period.

Progress Schedules

The RC/PM with the assistance of the Resident Engineer reviews progress schedule and monitors the contract progress to evaluate impacts to contract time in accordance to Section 153 of NJDOT Standard Specifications. Progress payments are compensation for value of work performed during a covered period as specified in Title 23 CFR 635.123. The RC/PM monitors and documents the

project's progress, Contractor payments and contract completion to ensure compliance to the approved project schedule and contract time.

7.1 Change Order Protests/Disputed Work

If the Contractor disagrees with any terms and conditions of a Change Order or a Field Order, a written protest must be submitted to Little Egg Harbor Township within 15 days of receipt of the Change Order in accordance with Section 104.03 of the NJDOT Standard Specifications.

Little Egg Harbor Township will notify NJDOT-Local Aid of the Contractor's written protest. Submission of written protest will not relieve the Contractor from obligation to proceed with the work directed by the Change Order.

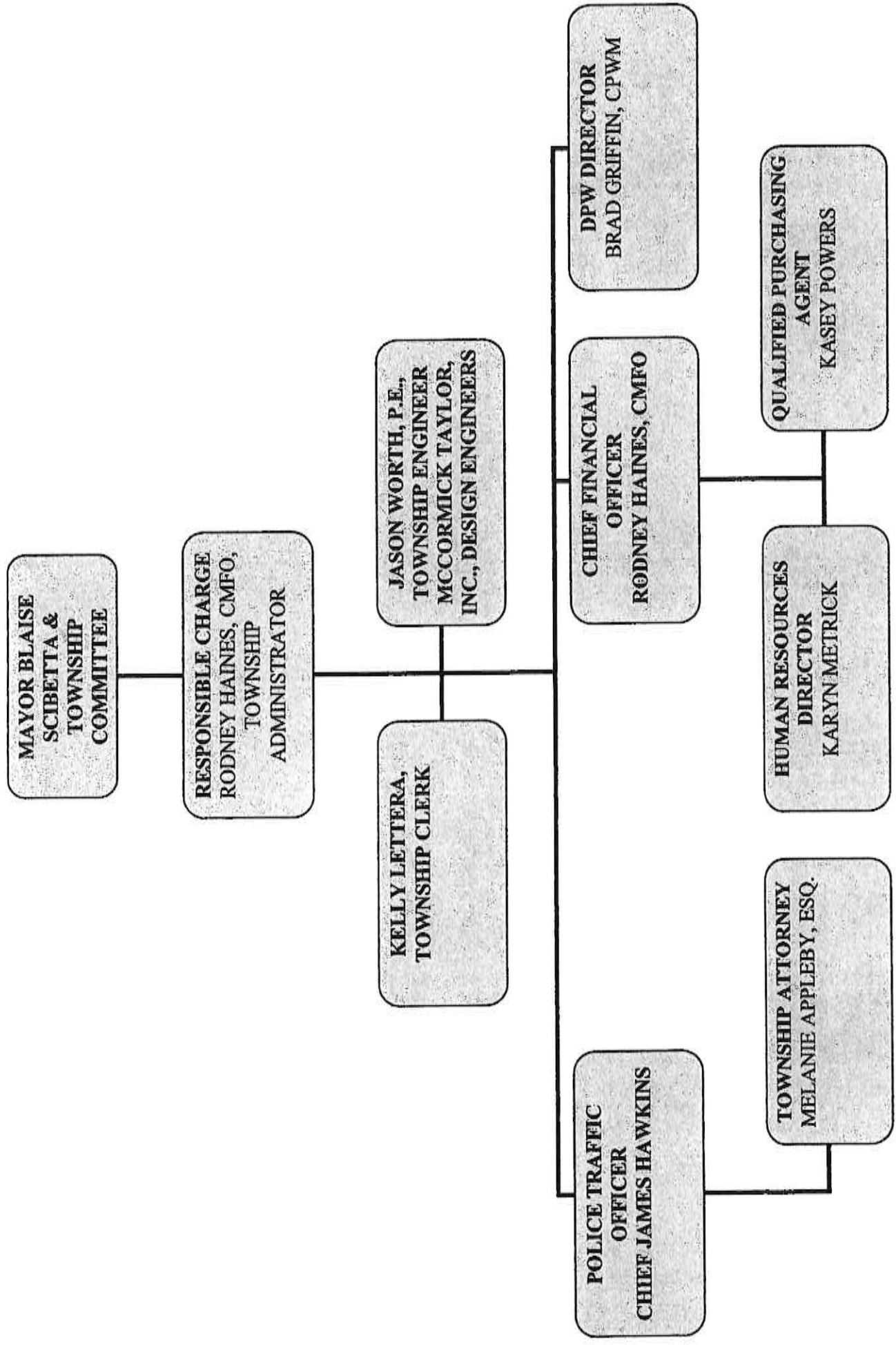
Little Egg Harbor Township will pursue a satisfactory resolution of disputed work issues or claims within a reasonable period of time as required by Standardized Changed Condition clauses per 23 CFR 635.109, NJDOT Standard Specifications and the project Supplementary Specification. The cost to settle work disputes, contract claims, or court awards must be reviewed by NJDOT prior to reimbursement as per 23 CFR 635.124. Any disputed work must be documented in the project records. Disputed work issues or claims must be resolved prior to close out of the project.

APPENDICES

APPENDIX A

ORGANIZATIONAL CHARTS

TOWNSHIP OF LITTLE EGG HARBOR - GENERAL FEDERAL AID PROJECT ORGANIZATIONAL CHART



APPENDIX B

SAMPLE RFP

APPENDIX C

**CONSULTANT PROPOSAL
EVALUATION FORMS & GUIDES**

APPENDIX D

**CONSULTANT CONTRACT
PERFORMANCE RATING FORMS**

APPENDIX E

FIELD ORDER FORM

APPENDIX F

**SAMPLE PROFESSIONAL SERVICES
CONTRACT**

APPENDIX G

TITLE VI POLICY STATEMENT

TOWNSHIP OF LITTLE EGG HARBOR
Office of Affirmative Action

April 3, 2023

Title VI Nondiscrimination Policy Statement

It is the policy of the Township of Little Egg Harbor, New Jersey to abide by Title VI of the Civil Rights Act of 1964, the Uniform Relocation and Real Property Acquisition Policies Act of 1970, Executive Order 12898 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, 42 U.S.C. 4601, 23 U.S.C. Section 324, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, the Civil Rights Restoration Act of 1987, Executive Order 11246 for Equal Employment Opportunity, the Vietnam Era Veterans Readjustment Assistance Act of 1972, N.J.S.A. 52:32-31.1 et. seq., New Jersey Law Against Discrimination N.J.S.A. 10:5-1 et. seq. and implementing regulations at N.J.A.C. 17:27 et. seq., and other related nondiscrimination laws, statutes, Executive Orders, or policies.

No person in the United States shall, on the grounds of race, creed, color, national origin, age, ancestry, nationality, marital/domestic partnership/civil union status, gender, disability, religion, affectional or sexual orientation, gender identity or expression, family status, atypical cellular or blood trait, genetic information, military services, veterans status, income level or ability to read, write or speak English, be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity which is administered by a Little Egg Harbor Township program, activity or service regardless of funding source.

Any person who believes that because of his or her race, creed, color, national origin, age, ancestry, nationality, marital/domestic partnership/civil union status, gender, disability, religion, affectional or sexual orientation, gender identity or expression, family status, atypical cellular or blood trait, genetic information, military service, veterans status, income level or ability to read, write or speak English, he or she has been excluded from participation in any program or activity which is administered by the Township of Little Egg Harbor, or who believes that he or she has been denied any benefits provided by such program or activity, or believe he or she has been unfairly treated in connection with such program or activity, should contact the following office within 180 days from the date of occurrence of any violation of this policy:

Rodney Haines, Township Administrator/CFO
Township of Little Egg Harbor
665 Radio Road
Little Egg Harbor, New Jersey, 08087
Office: 609-296-7241
Fax: 609-296-5352


Rodney Haines, Township Administrator/CFO

4/5/2023
Dated