

SPECIFICATIONS FOR THE

Avalon Fire Department 2021 Station Addition and Renovations

3088 Dune Drive
Avalon, New Jersey 08202

for

The Borough of Avalon
3100 Dune Drive
Avalon, New Jersey 08202

Architect:

Garrison Architects
713 Creek Road
Bellmawr, NJ 08031
(856) 396-6200
Fax (856) 396-6205

Mechanical, Electrical & Plumbing Engineer:

Mulhern Consulting Engineers
321 South York Road
Hatboro, PA 19040
(215) 293-9900
Fax (215) 441-5984

Site Engineer:

Mott MacDonald
211 Bayberry Drive Suite 1A
Cape May Court House, NJ 08210
(856) 228-2200
Fax: (856) 232-2346

Structural Engineer:

Orndorf and Associates
8600 West Chester Pike Suite 201
Upper Darby, PA 19083
(610) 896-4500
Fax: (610) 896-4503

ISSUED FOR BID June 28, 2021

GA# 19-49

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BIDDER'S CHECKLIST

FAILURE TO PROVIDE THE FOLLOWING INFORMATION AND DOCUMENTATION IDENTIFIED IN THIS BIDDER'S CHECKLIST AT THE TIME OF BID MAY BE CAUSE FOR REJECTION

Initial to Reflect Compliance:

- ___ Bidder's Checklist (Include with your Bid Package)
- ___ BID FORM – PART A
- ___ BID FORM – PART B – UNIT PRICES
- ___ BID FORM – PART C - ALTERNATES
- ___ Subcontractor List: For Each Prime Subcontractor Listed on this Form, include the following:

A valid and active DPMC Notice of Classification, a Total Amount of Uncompleted Contracts Affidavit (form DPMC 701), No Material Adverse Change of Circumstances Form, Business Registration Certificate, Public Works Contractor Registration Certificate.

TRADE	Subcontractor Name	DPMC Notice of Class	Uncompleted Contacts	No Material Change	Bus. Reg.	Public Works Certificate
GENERAL						
HVAC						
PLUMBING						
ELECTRIC						
STEEL						

- ___ Acknowledgment of Receipt of Addenda / Clarifications. If no Addenda / Clarifications are issued, then check the Box on the Form
- ___ Indemnification and Hold Harmless Agreement
- ___ Certification of Non-Debarment for Federal Contracts
- ___ Affirmative Action Requirements
- ___ Exhibit B Mandatory Equal Employment Opportunity Language
- ___ Non-Collusion Affidavit
- ___ New Jersey State Form Notice of Classification
- ___ New Jersey State Form Uncompleted Contracts
- ___ No Material Change of Circumstances
- ___ Statement of Ownership

BIDDER'S CHECKLIST

- ___ Disclosure of Investment Activities in Iran
- ___ Bid Bond
- ___ Consent of Surety
- ___ Disclosure of Contributions to New Jersey Election Law Enforcement Commission Form
- ___ Equipment Certification
- ___ Right to Extend
- ___ Public Works Contractor Registration
- ___ Business Registration Certificate

By signing below, bidder acknowledges that he/she has read the AMERICANS WITH DISABILITIES ACT OF 1990 which has been included in the Specifications in the Instructions to Bidders.

I acknowledge that the above information is included with my Bid Package.

Acknowledged for: _____
(Name of Bidder)

By: _____
(Signature of Authorized Representative)

Name: _____

Title: _____

END OF SECTION

BOROUGH OF AVALON
NEW JERSEY

ADVERTISEMENT FOR BID

Bids may be sent, or hand delivered by the bidder or their agent to The Borough of Avalon located at 3100 Dune Drive, Avalon, New Jersey 08202 until 2:00 pm on Tuesday, August 10, 2021, and will be opened immediately thereafter and read publicly for One Lump Sum Contract for the Avalon Fire Department 2021 Station Addition and Renovations. Bids will not be received or accepted later than time designated aforesaid for their receipt.

Bidding shall be in conformance with the applicable requirements of the "Local Public Contracts Law," N.J.S.A. 408A:11.1 et seq.

The bidders are requested to submit in accordance with N.J.S.A. 40A: 11-16 one Lump Sum Bid for all the work and materials. Bidders and/or their subcontractors must be pre-qualified by the New Jersey Department of Treasury, Division of Property Management and Construction (DPMC) in each of the following categories: C008 – General Construction or C009 General Construction / Alterations and Additions; C029 – Structural Steel and Ornamental Iron; C032 – HVACR; C030 – Plumbing; and C047 – Electrical. The Bidder and named Prime Subcontractors listed must be pre-qualified prior to the date that bids are received.

Electronic Copies of the Bid Documents may be obtained by contacting Garrison Architects via email at jangelo@garrisonarch.com, Phone number (856) 396-6200. There is no charge for obtaining an electronic copy of the Bid Documents.

Proposals must be accompanied by a certified check, bank cashier's check, treasurer's check or Bid Bond in the form provided in the Contract Documents, with corporate surety satisfactory to the Owner, in an amount not less than 10% of the Base Bid (but in no case in excess of \$20,000.00, pursuant to N.J.S.A. 40A:11-21), naming as payee or obligee, as applicable, **The Borough of Avalon**, to be retained and applied by the undersigned as provided in Contract Documents in case bidder would default in executing the Agreement or furnishing the required bonds and insurance certificates as required by Contract Documents.

Prospective bidders are advised that this Project is one which will be subject and will be governed by the following provisions of New Jersey State Law (a) Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq., as amended; (b) N.J.S.A. 40A:11-18, which provides that only manufactured and farm products of the United States wherever available, shall be used in the execution of the work or supply of goods as specified in the Contract Documents; (c) Ownership Disclosure Certification, P.L. 2016, Chapter 43, (N.J.S.A. 52:25-24.2); (d) disclosure of investment activities in Iran in accordance with N.J.S.A. 52:32-5; (e) the Public Works Contractor Registration Act, N.J.S.A. 34:11-56.48 et seq., which requires that contractors and subcontractors must be registered at the time of bid.; and (f) N.J.S.A. 52:32-44, which requires that all business organizations that do business with a local contracting agency are required to be registered with the State and provide proof of their registration with the New Jersey Department of Treasury, Division of Revenue before the contracting agency may enter into a contract with the business.

BOROUGH OF AVALON
NEW JERSEY

ADVERTISEMENT FOR BID

The Public Works Contractor Registration Act N.J.S.A. 34:11-56.48 et seq. requires that the Contractor and Subcontractors must be registered at the time of Bid. The Owner is requesting that copies of the Certificates be included in the Contractor's Bid Package. Pursuant to N.J.S.A. 52:32-44 all business organizations that do business with a local contracting agency are required to be registered with the State and provide proof of their Registration with the New Jersey Department of Treasury, Division of Revenue before the contracting agency may enter into a contract with the business.

Each bidder shall also include with their bid, a Certificate letter from a Surety Company authorized to transact business in the State of New Jersey, stating that it will provide the Contractor with a Performance Bond in the sum required by N.J.S.A. 40A:11-22.

The successful bidder shall be required to execute a Contract for the performance of the said work or the furnishing of said material or both, as the case may be, and a Surety Bond to be executed by a reliable Surety Company in a sum equal to the amount of the contract price for said work and/or material, guaranteeing the performance of the Contract, which Surety bond and Contract shall be approved as to form and execution by the Solicitor.

Bidders are required to comply with the provisions of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

The right is reserved to reject all bids or to waive minor informalities or non-material exceptions.

The Time Schedule for the project is as follows:

Monday	06/28/21	Advertisement and Issued for Bid Date
Monday	07/12/21	Non-Mandatory Pre-Bid Meeting at 2:00 PM at the Avalon Fire Department, 3088 Dune Drive, Avalon, New Jersey 08202.
Monday	07/19/21	Deadline for Questions to Garrison Architects at 5:00 P.M. (send questions to jangelo@garrisonarch.com)
Thursday	07/22/21	Addendum Emailed to Bidders
Tuesday	08/10/21	Bids Due 2:00 P.M. at The Borough of Avalon located at 3100 Dune Drive, Avalon, New Jersey 08202.

Scott J. Wahl
Business Administrator

INSTRUCTIONS TO BIDDERS

(The following instructions shall be adhered to in the preparation of this Bid by the Bidder.)

1. DEFINITIONS

- a. Owner: The term "Owner" as used in the Contract Documents refers to the Borough of Avalon, 3100 Dune Drive, Avalon, New Jersey 08202.
- b. Architect: The term "Architect" refers to Garrison Architects, 713 Creek Road, Bellmawr, New Jersey 08031, Telephone (856) 396-6200, Fax (856) 396-6205.
- c. Contractor: The term "Contractor" refers to the Contractor to whom an award is made to perform the work under Contracts enumerated in the Notice to Bidders.

2. PREPARATION OF BIDS

- a. Bids shall be submitted on Form of Bid, hereto attached, or on an exact copy thereof which contains identical language. All blank spaces of the form shall be fully completed in accordance with these instructions, without variation, and there shall be no interlineations, deletions or additions. Base Bid Sum shall be stated both in writing and in figures; and, in case of discrepancy, written words shall be considered as being Bid Price.

Submit bid in duplicate (1 original and 1 copy).

- b. Bid shall not contain recapitulations of the work to be done. No oral, telegraphic or telephonic communications or modifications shall be considered.
- c. Bids shall be addressed to the Owner whose name appears in Paragraph 1a; it shall be mailed or delivered to the address stated in the Notice to Bidders, enclosed in an opaque sealed envelope, marked with the name of the Project and Bidders names; and must be received on or before the time designated in the Notice to Bidders. No responsibility will be attached to Architect or Owner for premature opening of a bid which is not properly identified. The Borough of Avalon assumes no responsibility for bids mailed or misdirected in delivery.

3. STATEMENT OF BIDDER'S QUALIFICATIONS

- a. Each Bidder must submit with their bid (and each of its Prime Subcontractors) the following documents from the State of New Jersey's Department of the Treasury, Division of Property Management and Construction:

(1) A NOTICE OF CLASSIFICATION indicating that they are qualified to bid on the public work as specified herein. The bidder and/or named Prime Subcontractors must be pre-qualified by the New Jersey Department of Treasury, Division of Property Management and Construction, prior to the date that bids are received. The required categories are: C008 – General Construction or C009 General Construction / Alterations and Additions, C029 – Structural Steel and Ornamental Iron, C032 – HVACR, C030 – Plumbing, and C047 – Electrical; and

(2) a TOTAL AMOUNT OF UNCOMPLETED CONTRACTS affidavit (Form DPMC 701) duly signed and notarized with the corporate seal affixed.

INSTRUCTIONS TO BIDDERS

(3) a NO MATERIAL CHANGE OF CIRCUMSTANCES affidavit that the qualifications of the Bidder have not changed since the latest statement.

4. TRUTH IN CONTRACTING:

- a. Bidder should be aware of the following statutes that represent "Truth in Contracting" laws:
 - N.J.S.A. 2C:21-34, et seq. governs false claims and representations by bidders. It is a serious crime for the bidder to knowingly submit a false claim and/or knowingly make material misrepresentation.
 - N.J.S.A. 2C:27-10, provides that a person commits a crime if said person offers a benefit to a public servant for an official act performed or to be performed by a public servant, which is a violation of official duty
 - N.J.S.A. 2C:27-11, provides that a bidder commits a crime if said person, directly or indirectly, confers or agrees to confer any benefit not allowed by law to a public servant.
 - Bidder should consult the statutes or legal counsel for further information.

5. DISCREPANCIES OR OMISSIONS: BIDDER'S RESPONSIBILITY

- a. The bidders understand and agrees that its bid is submitted on the basis of the specifications prepared by Garrison Architects, 713 Creek Road, Bellmawr, New Jersey 08031 (856) 396-6200, fax (856) 396-6205. The bidder accepts the obligation to become familiar with these specifications.
- b. Bidders are expected to examine the specifications and related bid documents with care and observe all their requirements. Ambiguities, errors or omissions noted by bidders should be promptly reported in writing to the Architect. Any prospective bidder who wishes to challenge a bid specification shall file such challenges in writing with Garrison Architects via email to jangelo@garrisonarch.com in accordance with the schedule set forth in the Notice to Bidders. Challenges filed after that time shall be considered void and having no impact on the contracting unit for the award of a contract pursuant to N.J.S.A. 40A:11-13. In the event the bidder fails to notify the Architect of such ambiguities, errors or omissions, the bidder shall be bound by the requirements of the specifications and the bidder's submitted bid.
- c. No oral interpretation and or clarification of the meaning of the specifications for any goods and services will be made to any bidder. Such request shall be in writing, addressed to Garrison Architects via email to jangelo@garrisonarch.com, in accordance with the schedule set forth in the Notice to Bidders. All interpretations, clarifications and any supplemental instructions will be in the form of a written addendum / clarification to the specifications, and will be distributed to all prospective bidders via fax. All addenda / clarifications so issued shall become part of the specification and bid documents, and shall be acknowledged by the bidder in the bid. Garrison Architects' interpretations or corrections thereof shall be final. When issuing addenda / clarifications, the Architect shall provide required notice prior to the official receipt of bids to any person who has submitted a bid, or who has received a bid package pursuant to N.J.S.A. 40A:11-23c.1.
- d. Discrepancies in Bids: If the amount shown in words and its equivalent in figures do not agree, the written words shall be binding. Ditto marks are not considered writing or printing and shall not be used.

INSTRUCTIONS TO BIDDERS

- e. It will be assumed with the submission of the proposal that the Bidder has fully examined the site, the Drawings and the Specifications, and has made provisions for construction under the conditions as set forth and is responsible for seeing that his proposed Subcontractors are familiar with requirements of Contract Documents so far as applicable to their work.
 - f. Bids shall be based upon Drawings, Specifications and other documents constituting the Contract Documents referred to in the Notice to Bidders, bound herewith, including related Addenda / Clarification issued by Garrison Architects and may not be withdrawn for a period of 60 days after date set for receiving bids. Any proposal which has been opened by the Owner may not be withdrawn during the period specified in the Notice to Bidders, bound herewith, as the period during which proposals may not be withdrawn by Bidders, except as specifically permitted by law.
6. **BID SECURITY AND BONDING REQUIREMENTS**
- a. **BID GUARANTEE:** Bidder shall submit with the bid a certified check, cashier's check or bid bond in the amount of ten percent (10%) of the total price bid, but not in excess of \$20,000.00, payable unconditionally to the Borough of Avalon. When submitting a Bid Bond, it shall contain Power of Attorney for full amount of bid Bond from a surety company authorized to do business in the State of New Jersey and acceptable to the Borough of Avalon. The check or bond of the unsuccessful bidder(s) shall be returned pursuant to N.J.S.A. 40A:11-24a. The check or bond of the bidder to whom the contract is awarded shall be retained until a contract is executed and the required performance bond or other security is submitted. The check or bond of the successful bidder shall be forfeited if the bidder fails to enter into a contract pursuant to N.J.S.A. 40A:11-21. Failure to submit a bid guarantee shall result in rejection of the bid.
 - b. **CONSENT OF SURETY:** In addition, and pursuant to N.J.S.A. 40A:11-22, each bid shall be accompanied by a Consent of Surety assuring that satisfactory arrangements have been made between the Surety and the Bidder, by which the Surety agrees to furnish the Bidder with a Performance Bond, a Payment Bond, and a Maintenance Bond, substantially in accordance with the forms attached hereto, each in the stated amount of one hundred percent of the Contract amount. The Consent of Surety shall be executed by an approved Surety Company authorized to do business in the State of New Jersey. The Surety's consent and guarantee to issue the Performance and Payment Bonds must be unconditional. **Submission of a Consent of Surety which contains any prior conditions upon the Surety's issuance of the required Bonds shall be cause for rejection of the Bid. Failure to submit a Consent of Surety form shall result in rejection of the Bid.**
 - c. If a Bidder to whom five (5) days' notice of intention to accept his Bid has been made by or in behalf of the Owner fails to furnish a Performance and Payment Bond in form furnished herewith, as required by the law of the State where the work is to be performed, to the Owner, as a condition precedent to formal award of the Contract, or fails to execute the Agreement or to furnish the required insurance certificates, or fails to furnish the required form in compliance with N.J.S.A. 10:5-31, et seq. within ten (10) days after notice that an award has been made to him, the Owner may, at his sole discretion, award the Contract to the next lowest responsible Bidder or readvertise for bids, and the defaulting Bidder shall pay to the Owner the difference between the amount of his bid and any higher amount for which the Owner may contract for the required work, plus any advertising, Architect's, legal or other expenses incurred by reason of the default.

INSTRUCTIONS TO BIDDERS

The security check of such defaulting Bidder or, as the case may be, the amount recovered from the surety of such Bidder on his Bid Bond shall be applied on account of such damages; and, if the amount of said difference, plus such expense, shall exceed the amount of such check or recovery, the defaulting bidder shall pay to the Owner the full amount of the excess.

7. CONTRACT BONDS

- a. **PERFORMANCE BOND:** Bidder shall simultaneously with the delivery of the executed contract, submit an executed bond in the amount of one hundred (100%) of the acceptable bid as security for the faithful performance of this contract. The performance bond provided shall not be released until final acceptance of the whole work and then only if any liens or claims have been satisfied. The surety on such bond or bonds shall be a duly authorized surety company authorized to do business in the State of New Jersey pursuant to N.J.S.A. 17:31-5. Failure to submit this with the executed contract shall be cause for declaring the contract null and void pursuant to N.J.S.A. 40A:11-22.
- b. **LABOR AND MATERIAL (PAYMENT) BOND:** The Bidder shall with the delivery of the performance bond submit an executed payment bond in the amount of one hundred percent (100 %) of the acceptable bid to guarantee payment to laborers and suppliers for the labor and materials used in the work performed under the Contract. Failure to submit a labor and material bond with the performance bond shall be a cause for declaring the Contract null and void. The labor and material bond provided shall not be released until final acceptance of the whole work and then only if any liens or claims have been satisfied. The surety on such bond or bonds shall be a duly authorized surety company authorized to do business in the State of New Jersey pursuant to N.J.S.A. 17:31-5.
- c. **MAINTENANCE BOND:** Upon acceptance of the work by the owner, the contractor shall submit a Maintenance Bond (N.J.S.A. 40A:11-16.3b) in the total amount of the project guaranteeing against defective quality of work or materials for the period of two (2) years.

8. WITHDRAWAL OF BIDS (N.J.S.A. 40A:11-23.3)

Permission for Bidder to Withdraw a Bid Due to a Mistake in Certain Circumstances

N.J.S.A. 40A:11-23.3 authorizes a bidder to request withdrawal of a public works bid due to a mistake on the part of the bidder. A mistake is defined by N.J.S.A. 40A:11-2(42) as a clerical error that is an unintentional and substantial computational error or an unintentional omission of a substantial quantity of labor, material, or both, from the final bid computation.

A bidder claiming a mistake under N.J.S.A. 40A:11-23.3 must submit a request for withdrawal, in writing, by certified or registered mail to Scott J. Wah, Business Administrator, Borough of Avalon, 3100 Dune Drive, Avalon, New Jersey 08202. The bidder must request withdrawal of a bid due to a mistake, as defined by the law, within five business days after the receipt and opening of the bids. Since the bid withdrawal request shall be effective as of the postmark of the certified or registered mailing, the purchasing agent or designee may contact all bidders, after bids are opened, to ascertain if any bidders wish to, or already have exercised a request to withdraw their bid pursuant to N.J.S.A. 40A:11-23.3.

INSTRUCTIONS TO BIDDERS

A bidder's request to withdraw the bid shall contain evidence, including any pertinent documents, demonstrating that a mistake was made. Such documents and relevant written information shall be reviewed and evaluated by the public owner's designated staff pursuant to the statutory criteria of N.J.S.A. 40A:11-23.3.

The public owner will not consider any written request for a bid withdrawal for a mistake, as defined by N.J.S.A. 40A:11-2(42), by a bidder in the preparation of a bid proposal unless the postmark of the certified or registered mailing is within the five business days following the opening of bids.

9. AWARD OF CONTRACT

- a. Bidder responsibility including ability to complete the Project within the time specified, will be considered in making award. The Owner reserves the right to reject all bids and to waive minor informalities or non-material exceptions in the bid. Bids may be rejected if they show any omissions, alterations of form, additions or deductions not called for, conditional or uninvited alternate bids, or irregularities of any kind. Bids in which the prices are unbalanced may be rejected. Claims on account of mistakes in or omissions in bids will not be considered, except as specifically permitted by law.
- b. If awards are made, the Owner will execute the Agreement within twenty-one (21) days after the Contractor executes and delivers same to Owner, accompanied by insurance certificates.
- c. The award of Contract or rejection of bids will be made within sixty (60) days of the Bid Opening. The Owner can extend this period if both parties agree to such an extension.
- d. Copies of the Performance and Payment Bond forms included with these Specifications exemplify type of Contract forms that the successful Bidder will be required to execute before or after award has been made, as contemplated by Contract Documents and as required by State law in case of such Bonds.
- e. The Contract is subject to the appropriation of funds per N.J.A.C. 6A:23A-21.1(f).

10. START OF WORK

Shop Drawings, Submittals, etc. can be commenced after Notice to Proceed has been given by Owner or Architect.

11. COMPLETION OF THE PROJECT

The project must be completed by the date set forth in Notice to Bidders and or Section 01010, "Summary of Work".

12. INSURANCE

Requirements for Insurance are stated in the AIA Document A201 – 2017 General Conditions of Contract for Construction.

INSTRUCTIONS TO BIDDERS

13. NEW JERSEY PREVAILING WAGE RATE / PUBLIC WORKS CONTRACTOR REGISTRATION

Bidders are required to comply with the State Prevailing Wage Rate for Public Works, N.J.S.A. 34:11-56.25 et seq., as amended.

Contractor shall ensure that all workers employed in the performance of this Contract shall be paid not less than the Prevailing Wage Rate designated for this locality by the Commission of Labor and Workforce Development. If it is found that any worker employed by the Contractor or any Subcontractor has been paid less than the Prevailing Wage Rate, the Owner may terminate the Contractor's or Subcontractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The Contractor and his sureties shall be liable for any excess costs occasioned thereby to the Owner.

The Contractors can reference the State of New Jersey Department of Labor and Workforce Development Website <https://www.nj.gov/labor/wagehour/wagerate/CurrentWageRates.html> to view current Prevailing Wage Rates. The official wage rates are ordered upon award of the contract.

The Public Works Contractor Registration Act, N.J.S.A. 34:11-56.48 et seq. (the Act) requires that Contractors (and Subcontractors) must be registered pursuant to the Act prior to submitting a bid. The Bidder should provide a copy of its Public Works Contractor Registration Certificate at the time of submission of the bid proposal. The Contractor shall enter into subcontracts only with subcontractors who are registered pursuant to the Act. After the bid is made and prior to awarding of the contract, the Bidder shall submit the certificates of registration of all subcontractors listed in the bid proposal

14. BUSINESS REGISTRATION AND USE TAX

Pursuant to N.J.S.A. 52:32-44, the Borough of Avalon ("Contracting Agency") is prohibited from entering into a contract with an entity unless the bidder/proposer/contractor, and each subcontractor that is required by law to be named in a bid/proposal/contract has a valid Business Registration Certificate on file with the Division of Revenue and Enterprise Services within the Department of the Treasury.

Prior to contract award or authorization, the contractor shall provide the Contracting Agency with its proof of business registration and that of any named subcontractor(s).

Subcontractors named in a bid or other proposal shall provide proof of business registration to the bidder, who in turn, shall provide it to the Contracting Agency prior to the time a contract, purchase order, or other contracting document is awarded or authorized.

During the course of contract performance:

- (1) the contractor shall not enter into a contract with a subcontractor unless the subcontractor first provides the contractor with a valid proof of business registration.
- (2) the contractor shall maintain and submit to the Contracting Agency a list of subcontractors and their addresses that may be updated from time to time.

INSTRUCTIONS TO BIDDERS

- (3) the contractor and any subcontractor providing goods or performing services under the contract, and each of their affiliates, shall collect and remit to the Director of the Division of Taxation in the Department of the Treasury, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into the State. Any questions in this regard can be directed to the Division of Taxation at (609)292-6400. Form NJ-REG can be filed online at <http://www.state.nj.us/treasury/revenue/busregcert.shtml>.

Before final payment is made under the contract, the contractor shall submit to the Contracting Agency a complete and accurate list of all subcontractors used and their addresses.

Pursuant to N.J.S.A. 54:49-4.1, a business organization that fails to provide a copy of a business registration as required, or that provides false business registration information, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000, for each proof of business registration not properly provided under a contract with a contracting agency.

15. NON-COLLUSION AFFIDAVIT

The Bidder shall submit the Non-Collusion Affidavit included in the Specifications.

16. EQUIPMENT CERTIFICATION

The Bidder shall submit the Equipment Certification included in the Specifications.

17. OWNERSHIP DISCLOSURE CERTIFICATION N.J.S.A. 52:25-24.2

No corporation, partnership, or limited liability company shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, the cost of which is to be paid with or out of any public funds, by the State, or any county, municipality or school district, or any subsidiary or agency of the State, or of any county, municipality or school district, or by any authority, board, or commission which exercises governmental functions, unless prior to the receipt of the bid or proposal, or accompanying the bid or proposal of said corporation, said partnership, or said limited liability company there is submitted a statement setting forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be.

If one or more such stockholder or partner or member is itself a corporation or partnership or limited liability company, the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every non-corporate stockholder, and individual partner, and member, exceeding the 10 percent ownership criteria established in this act, has been listed.

INSTRUCTIONS TO BIDDERS

To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest.

This Ownership Disclosure Certification form shall be completed, signed and notarized.

18. DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN Public Law 2012, c.25, N.J.S.A. 52:32-55 et seq.

Public Law 2012, c.25, Disclosure of Investment Activities in Iran—N.J.S.A. 52:32-55 et seq.

Pursuant to N.J.S.A. 52:32-57, et seq. (P.L. 2012, c.25 and P.L. 2021, c.4) any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must certify that neither the person nor entity, nor any of its parents, subsidiaries, or affiliates, is identified on the New Jersey Department of the Treasury's Chapter 25 List as a person or entity engaged in investment activities in Iran. The Chapter 25 list is found on the Division's website at <https://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Vendors/Bidders must review this list prior to completing the below certification. If the Director of the Division of Purchase and Property finds a person or entity to be in violation of the law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

If the Council determines that a person or entity has submitted a false certification concerning its engagement in investment activities in Iran under section 4 of P.L.2012, c.25 (C.52:32-58), the Council shall report to the New Jersey Attorney General the name of that person or entity, and the Attorney General shall determine whether to bring a civil action against the person to collect the penalty prescribed in paragraph (1) of subsection a. of section 5 of P.L.2012, c.25 (C.52:32-59).

In addition, bidders must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes on the lower portion of the enclosed form.

The Council has provided within the specifications, a Disclosure of Investments Activities certification form for all persons or entities, that plan to submit a bid, respond to a proposal, or renew a contract with the Council, to complete, sign and submit with the proposal. **The Disclosure of Investment Activities in Iran Form is to be completed, certified and submitted prior to the award of contract.**

19. N.J.S.A. 10:5-31, et seq. AFFIRMATIVE ACTION

Pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented, the following Affirmative Action Against Discrimination on the Project will be a condition of the Contract. The Bidder, its subconsultants and subcontractors shall comply with the anti-discrimination provisions of N.J.S.A. 10:2-1 et seq., the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., N.J.A.C. 17:27-1.1 et seq. and shall guarantee to afford equal opportunity in performance of this Agreement in accordance with an affirmative action program approved by the State Treasurer.

INSTRUCTIONS TO BIDDERS

20. § 10:2-1. Antidiscrimination provisions

Antidiscrimination provisions. Every contract for or on behalf of the State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees that:

a. In the hiring of persons for the performance of work under this contract or any subcontract hereunder, or for the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under this contract, no contractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex, discriminate against any person who is qualified and available to perform the work to which the employment relates;

b. No contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee engaged in the performance of work under this contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under such contract, on account of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex;

c. There may be deducted from the amount payable to the contractor by the contracting public agency, under this contract, a penalty of \$ 50.00 for each person for each calendar day during which such person is discriminated against or intimidated in violation of the provisions of the contract; and

d. This contract may be canceled or terminated by the contracting public agency, and all money due or to become due hereunder may be forfeited, for any violation of this section of the contract occurring after notice to the contractor from the contracting public agency of any prior violation of this section of the contract.

21. DOMESTIC MATERIALS

Pursuant to N.J.S.A. 40A:11-18, only manufactured and farm products of the United States wherever available, shall be used in the execution of the work or supply of goods as specified herein.

22. Permits and Licenses

It is the Contractor's sole responsibility to observe the safety provisions of applicable Federal, State and Local laws, regulations and guidelines. Neither the Owner nor any of its Consultants assumes any responsibility for the Contractor's complying with the obligations therein. The Contractor is responsible for applying, on behalf of the Owner, and providing the information required for the building permits required for the project.

23. METHOD OF AWARD - LOWEST RESPONSIBLE BIDDER(S)

The Contract, if awarded, shall be to the lowest responsive and responsible bidder. The low bid will be determined based on the lowest base bid (with any accepted alternates) submitted by a responsible bidder (or bidders).