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June 9, 2026

**RE: RFP 0000241 ATLANTIC CITY RAIL SHUTTLE SERVICE**

To Whom It May Concern:

New Jersey Transit Corporation (NJ TRANSIT) is issuing this Request for Proposals (RFP) to obtain Proposals from qualified Carriers to provide services more fully set forth in these RFP documents.

NJ TRANSIT is requesting Proposals from firms with the intention of awarding a Contract to the organization whose Proposal, conforming to the RFP, is most advantageous to NJ TRANSIT, price and other factors considered. Background information, Project description, instructions for the Proposers and evaluation criteria are included in these RFP documents.

NJ TRANSIT reserves the right to reject any and all Proposal(s) in accordance with applicable law. Contract award is subject to the Carrier's agreement to NJ TRANSIT terms and conditions set forth in this RFP and NJ TRANSIT's Operating Motor Bus Passenger Service.

In order to discuss the Project and to address questions, NJ TRANSIT will hold a Pre-Proposal Conference at the time and date specified in **Attachment D** to the RFP. NJ TRANSIT will not hold an in-person meeting for the Pre-Proposal conference; will be held utilizing a telephone and video conference via Microsoft Teams.

Proposers must submit Technical and Cost Proposals via Bid Express [www.bidexpress.com](http://www.bidexpress.com), on or before the time and date specified in **Attachment D** of the RFP. Details about how to submit the Technical and Cost Proposals are set forth in Section III (Proposal Requirements) of the RFP Instructions.

To obtain the RFP and all pertinent Proposal documents, interested Proposers must register with Bid Express at [www.bidexpress.com](http://www.bidexpress.com). **There is no fee to enroll or submit a Proposal.** To subscribe, follow the instructions on the website.

Firms that submitted Proposals for this RFP will be posted on Bid Express ([www.bidexpress.com](http://www.bidexpress.com)) and on NJ TRANSIT'S Procurement Calendar (<https://www.njtransit.com/procurement/calendar>).

All inquiries and requests for clarifications regarding the Contract Documents shall be submitted in the space provided in the electronic Proposal file on the electronic bidding website, [www.bidexpress.com](http://www.bidexpress.com), by or before the date and time specified in **Attachment D** (subject to change by Addenda). No response may be made by NJ TRANSIT to inquiries received after this due date. This RFP may be amended only in writing via Addendum issued by NJ TRANSIT.

NJ TRANSIT cannot award a Contract unless the Proposer/Carrier has a valid business registration certificate issued by the Division of Revenue and Enterprise Services within the Department of the Treasury as required by N.J.S.A. 52:32-44. In addition, Subcontractors shall not engage in the performance of any work under this Contract without a valid business registration certificate.

This Project is also subject to the Diane B. Allen Equal Pay Act (N.J.S.A 34:11-56.13 et seq.) concerning the reporting of compensation and hours worked by employees categorized by gender, race, ethnicity, and job title.

In addition, the successful Proposer will be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1.1 et seq. regarding Equal Employment Opportunity Laws and Regulations. NJ TRANSIT further requires that its Carrier agree to take all necessary and responsible steps in accordance with N.J.A.C. 17:13 et seq. to ensure Small Business Enterprises (SBE) and/or Disabled Veteran-Owned Business (DVOB) have an equal opportunity to participate in the performance of this Contract. An SBE/DVOB Goal has been assigned to this Project and is set forth in **Attachment D** to the RFP.

In accordance with N.J.A.C. 16:72-1.7, NJ TRANSIT reserves the right to cancel the award of any Contract before execution if NJ TRANSIT deems such cancellation to be in its best interest. In no event will NJ TRANSIT have any liability for the cancellation of such award. The Proposer assumes sole risk and responsibility for expenses in connection with this RFP prior to execution of a Contract.

This letter should not be interpreted as an award of a Contract nor as a commitment to reimburse for any cost incurred in the preparation of a Proposal. We look forward to receiving and reviewing your Proposal.

Sincerely,

A handwritten signature in cursive script that reads "Egonzales".

Evelyn Gonzales  
Senior Contract Specialist  
Procurement Department

**NEW JERSEY TRANSIT CORPORATION**

**REQUEST FOR PROPOSAL  
INSTRUCTIONS**  
*(State Non-Brooks)*

**RFP NO. 0000241 - ATLANTIC CITY RAIL SHUTTLE SERVICE**

**JUNE 2026**

**NEW JERSEY TRANSIT CORPORATION**

**REQUEST FOR PROPOSAL NO. 0000241**

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**NEW JERSEY TRANSIT CORPORATION**  
**REQUEST FOR PROPOSAL INSTRUCTIONS**

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**THIS IS AN ELECTRONIC REQUEST FOR PROPOSAL.**

**PAPER SUBMISSIONS WILL NOT BE ACCEPTED.**

This Project is being bid by use of an electronic Proposal submission platform, Bid Express. Information is available on the Proposal submission website: [www.bidexpress.com](http://www.bidexpress.com). A free registration is required to access the Proposal documents. The Proposer shall download all documents from this website. NJ TRANSIT assumes no responsibility for errors or omissions in the downloaded documents except as specifically provided for in the Contract documents. The Proposer shall address questions or problems with downloading solicitation documents, but not the requirements of the Contract, to:

NJ TRANSIT Bid Express Administrator  
E-Mail: [intakeunit@njtransit.com](mailto:intakeunit@njtransit.com)

or

Bid Express Customer Support  
Tel: (888) 352-2439  
FAX: (888)971-4191  
E-Mail: [bidexpress.support@infotechinc.com](mailto:bidexpress.support@infotechinc.com)

To be able to bid online users must have a digital ID. Proposer digital IDs can take up to seven (7) business days to obtain. Note you will be required to download and install the plugin as well as any additional software provided by Bid Express prior to uploading your Proposal. Your corporate or personal security settings may require additional steps before the software can be installed. Please plan accordingly. Proposers may submit their Proposal as early as possible, as Proposals are held at BidExpress.com until the receipt of the Proposal due date. Proposers may resubmit their Proposals as many times as needed, prior to the Proposal due date, however only the most recent Proposal submission is valid.

**A. The Request for Proposal (RFP) electronic bidding file package contains the following Contract Documents available for download, and fillable forms on the electronic bidding website [www.bidexpress.com](http://www.bidexpress.com).**

<b>Electronic Bidding File Contract Documents and Exhibits</b>	
Request for Proposal Package includes the following:	Available for download in the electronic bidding file.
<ul style="list-style-type: none"> <li>I. General Project Information</li> <li>II. Project Background and Description</li> <li>III. Proposal Requirements</li> <li>IV. Method Of Selection</li> <li>V. Negotiations</li> <li>VI. Approval And Award</li> <li>VII. Protest Procedure</li> </ul>	
<b><u>Attachments</u></b>	
<ul style="list-style-type: none"> <li>A. Technical Proposal Evaluation Criteria</li> <li>B. Technical and Cost Proposal Package</li> <li>C. Project Information, Project Background and Description, Scope of Services</li> <li>D. Additional Critical Information Specific to this Project</li> <li>E. Cost Proposal Sheet in Excel</li> </ul>	Available for download in the electronic bidding file.
<b><u>Exhibits</u></b>	
<p><b>These forms are accessible in the electronic bidding file. Please read each form thoroughly and follow directions to complete and/or upload the form.</b></p> <ul style="list-style-type: none"> <li>1. NJ TRANSIT Operating Motor Bus Passenger Service Agreement</li> <li>2. Non-Collusion Certification</li> <li>3. Carrier's Certification of Eligibility</li> <li>4. Mandatory Equal Employment Opportunity (EEO) Requirements</li> <li>5. Affidavit of Compliance/ NJ TRANSIT's Code of Ethics for Vendors</li> <li>6. Ownership Disclosure Form</li> <li>7. Certification of Non-Involvement in Prohibited Activities in Russia or Belarus Pursuant to <u>N.J.S.A. 52:32-60.1</u></li> <li>8. Source Disclosure Certification Form</li> <li>9. Disclosure of Investment Activities in Iran</li> <li>10. NJ TRANSIT Corporation's SBE/DVOB Requirements and Forms</li> <li>11. Addenda Acknowledgement Certification</li> <li>12. Travel &amp; Business Reimbursement Guidelines</li> <li>13. Statement of Joint Venture</li> </ul>	

14. Certification Regarding Debarment, Suspension, and Other Responsibility Matters
15. Federal Transit Administration Civil Rights Assurance Certification
16. Department Of Transportation Title VI Program Assurance

#### ADDITIONAL SUPPORTING EXHIBITS

- A. Route Description
- B. Schedules
- C. Supplemental Statistics
- D. Customer Service Guidelines
- E. Revenue Vehicles Operating the Service
- F. Tariff Tables/Fares
- G. Garage Description
- H. Supplemental Reporting Requirements
- I. Operator Requirements
- J. Maintenance Standards and Requirements
- K. Revenue Collection & Processing
- L. Mandatory Equal Employment Opportunity Language
- M. Method of Calculating Payment to Carrier and Contracts Amount
- N. Important Notice to All Contractors and Carriers

## I. GENERAL PROJECT INFORMATION

### A. REQUEST FOR PROPOSAL

New Jersey Transit Corporation (NJ TRANSIT) is issuing this Request for Proposals (RFP) to solicit professional firms for services to support the Project detailed in **Attachment C**.

NJ TRANSIT is requesting Proposals from firms with the intention of awarding a Contract to the organization whose Proposal, conforming to the RFP, is most advantageous to NJ TRANSIT, price and other factors considered.

All Proposers are notified that NJ TRANSIT reserves the right to delete or modify any task from the Scope of Services at any time during the course of the Contract. NJ TRANSIT also reserves the right to approve or reject any Subcontractors.

Prior to the execution of this Contract by NJ TRANSIT, and before commencing any performance hereunder, the Proposer shall provide NJ TRANSIT with the required proof(s) of insurance as set forth in Section 12 of the Operating Motor Bus Passenger Service Agreement (**Exhibit 1**).

All Proposers are notified that it is NJ TRANSIT'S policy that Carriers who do, or may do, business with NJ TRANSIT must avoid all situations where proprietary or financial interest, or the opportunity for financial gain could lead a NJ TRANSIT officer or employee to secure favored treatment for any organization or individual. Proposers must avoid all circumstances and conduct which may not constitute actual wrongdoing, or conflict of interest, but might nevertheless appear questionable to the general public, thus compromising the integrity of NJ TRANSIT. All Proposers must comply with the NJ TRANSIT Code of Ethics as set forth in Section 32 of **Exhibit 1**.

In addition, Proposers are advised that communications with NJ TRANSIT that in any way relate to this Project shall be conducted with, or through, the Contracting Officer in NJ TRANSIT'S Division of Procurement, or their authorized representative, or the Office of Business Development for SBE and/or DVOB-related inquiries. All other contact is strictly prohibited and is considered improper. Violation of this limitation may result in the removal of the Proposer from consideration for this Contract and possible suspension/debarment.

### B. GENERAL DEFINITIONS

Addendum (plural Addenda): Written interpretations, clarifications, and revisions to the Request For Proposal (RFP), including its Attachments and Exhibits, issued by NJ TRANSIT before the Proposal due date.

Agreement: See definition of Contract.



**Best and Final Offer:** The pricing submitted upon invitation of NJ TRANSIT.

**Business Day:** Any weekday excluding Saturdays, Sundays, State legal Holidays and State mandated closings, unless otherwise indicated.

**Business Registration:** A Business Registration certificate issued by the Department of the Treasury pursuant to N.J.S.A. 52:32-44 or such other form or verification that a Carrier or Subcontractor is registered with the Department of Treasury.

**Calendar Day:** Each and every day shown on the calendar.

**Carrier:** The company proposed to operate the service as submitted by the Proposer's Technical Proposal.

**Carrier:** See definition for Carrier.

**Contract:** The written agreement executed by the Contracting Officer of NJ TRANSIT and the Carrier constituting the total agreement between the parties covering the performance of the work. The Contract, including incorporated attachments, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations or agreements either written or oral.

**Contract Hours:** The total scheduled service hours (Revenue Hours, Recovery Hours, and applicable Deadhead hours) exclusive of Deadhead hours required to transport the vehicle from the Carrier's garage location to the point of the first pick-up and to transport the vehicle from its final drop-off point, back to the Carrier's garage, for each bus used in operation.

**Contract Miles:** The total scheduled service miles (revenue miles, recovery miles and applicable Deadhead miles) exclusive of Deadhead miles required to transport the vehicle from the Carrier's garage location to the point of the first pick-up and to transport the vehicle from its final drop-off point back to the Carriers' garage, for each bus used in operation.

**Contracted Service:** Scheduled motor bus passenger service as defined by the routes detailed in Exhibit A and the schedules provided in Exhibit B of the Operating Motor Bus Passenger Service attached as Exhibit 1.

**Contracting Officer:** NJ TRANSIT'S Chief of Procurement & Support Services acting, directly or through the Chief of Procurement & Support Services authorized representative(s), within the scope of duties assigned to him or her.

**Contractor:** See definition of Carrier.

**Cost Proposal:** The preliminary cost estimate submitted by the Proposer in response to the RFP.

**Days:** Shall mean Calendar Days unless otherwise indicated.

**Deadhead:** The movement of a transit vehicle not in revenue service.

**Holiday(s):** Specific day(s) on which NJ TRANSIT is not open for business.

**May:** Denotes that which is permissible or recommended not mandatory.

**Must:** Denotes that which is a mandatory requirement.

**Notice of Award:** Written notification to Proposer selected for award of the Contract.

**Other Costs:** All proposed costs not included in the calculation of the Unit Cost Per Mile and/or Hour. Other Costs will be apportioned during the contract period based on the days of operation.

**Pay Hours:** The total amount of time to complete a piece of work (run) from driver report time to driver end time.

**Project:** The specific services that are the subject of this Request for Proposals.

**Proposal:** The Proposal, or offer, submitted by the Proposer in response to the RFP.

**Proposer:** The entity submitting a Proposal in response to this RFP.

**Recovery Hours:** A planned time allowance between the arrival time of a just completed trip and the departure time of the next trip. It is considered as reserve running time and typically the operator will remain on duty during the recovery period.

**Revenue Hours:** The measure of scheduled hours of service available to passengers for transport on the routes. It excludes Deadhead hours but includes Recovery Hours. It is calculated for each route.

**Shall:** Denotes that which is a mandatory requirement.

**Should:** Denotes that which is permissible or recommended, not mandatory.

**Subcontractor:** Any entity, having a relationship with the Carrier, whereby the Carrier uses the products and/or services of that entity to fulfill some of its obligations under the Contract.

Unit Cost Per Hour: The sum of all relevant hourly costs divided by Contract Hours.

Unit Cost Per Mile: The sum of all relevant mileage costs divided by Contract Miles.

**C. ANTICIPATED CARRIER SELECTION SCHEDULE**

The anticipated selection schedule for this RFP is set forth in detail in **Attachment D**.

**D. PRE-PROPOSAL CONFERENCE**

NJ TRANSIT will not hold an in-person Pre-Proposal Conference. The Pre-Proposal Conference will be held utilizing a telephone and video conference via Microsoft Teams, which is scheduled for the date and time specified in **Attachment D** (subject to change by Addenda) to the RFP, for the purpose of discussing general information relating to the Project.

Potential Proposers will be required to download Microsoft Teams <https://teams.microsoft.com/>, prior to the Pre-Proposal Conference, in order to access the web video conference and view the presentation. All interested firms are urged to participate. Attendance at the Pre-Proposal Conference is highly recommended but not mandatory. Recipients of this RFP that do not attend may be at a disadvantage when submitting a Proposal.

The Pre-Proposal Conference link that provides access and registration information is available in **Attachment D**.

**E. REQUEST FOR INFORMATION AND ADDENDA**

The Proposer shall examine carefully all the RFP documents in the RFP package and any conditions noted therein affecting the work. By submitting a Proposal, the Proposer acknowledges that it has carefully examined the RFP package and satisfied itself as to the conditions affecting the work. NJ TRANSIT assumes no responsibility for any conclusions or interpretations made by the Proposer on the basis of the information made available by NJ TRANSIT.

All inquiries and requests for clarifications regarding the Contract Documents shall be submitted in the space provided in the electronic Proposal file on the electronic bidding website, [www.bidexpress.com](http://www.bidexpress.com), by the date set forth in **Attachment D**. Proposers may submit more than one question within the same Q&A textbox. No response may be made by NJ TRANSIT to inquiries received after this due date. This RFP may be amended only in writing via Addendum issued by NJ TRANSIT.

The Proposer shall also carefully review NJ TRANSIT's Operating Motor Bus Passenger Service. The Proposer must identify and submit any questions,

requests for clarifications, exceptions or proposed modifications to the Agreement, with suggested changes to the Agreement and the reasons(s) therefor, **during the Request for Information period**. Proposers may submit exceptions and proposed modifications, to Exhibit 1, in the form of a redlined document via email to the Contract Specialist identified in Attachment D. Failure to submit changes to **Exhibit 1** during the Request for Information period may preclude the Proposer from requesting changes during any negotiations period.

Any response to requests for information or clarification that NJ TRANSIT may choose to make will be by a written Addendum to the RFP. NJ TRANSIT will not be bound by any informal explanation, clarification, or interpretation oral or written, by whosoever made, that is not incorporated into an Addendum to the RFP. All such Addenda will be posted on the electronic bidding website prior to the opening of Proposals. It is the obligation of the Proposer to check the website for Addenda. Certain Addenda will contain amendments to the RFP. The Proposer shall ensure that the Proposer acknowledges and affirms that he/she has obtained, reviewed, and applied all Addenda issued during the Proposal submission period by selecting Yes or No and input the number of Addenda it has received. NJ TRANSIT has the right to reject Proposals that do not contain a completed Addenda Acknowledgement. No response may be made by NJ TRANSIT to inquiries received later than the submittal date identified in the RFP package document.

A Proposer's failure to request a clarification, interpretation, correction or amendment will preclude such Proposer from, thereafter, claiming any ambiguity, inconsistency or error which should have been discovered by a reasonably prudent Proposer.

NJ TRANSIT reserves the right to amend the RFP package prior to the date set for receipt of Proposals. Such revisions, if any, will be announced by Addenda to this RFP. Copies of such Addenda as may be issued will be furnished to all prospective Proposers. The date set for receipt of Proposals may be postponed by such number of days as in the opinion of the Contracting Officer will enable Proposers to revise their Proposal submission. In such cases, the Addenda will include the new date for receipt of Proposals.

**Proposers must acknowledge receipt of all Addenda on the "Addenda Acknowledgement Certification" in the space provided in the electronic bidding file.**

Failure to acknowledge receipt of all Addenda will cause the rejection of the Proposal as non-responsive.

## **F. CONTRACT DURATION**

The anticipated duration of the Contract, subject to continuing satisfactory performance and availability of funds, is set forth in the detailed Project information in **Attachment C**.

## **G. JOINT VENTURE**

A Proposer consisting of more than one (1) business entity must clearly identify itself in the Proposal as a joint venture. Each party to a joint venture shall provide financial data (i.e. financial statement, D&B report, etc.) as a separate business entity. Each party to a joint venture shall bear, jointly and severally, the entire responsibility for Contract performance. The enclosed Statement of Joint Venture shall be executed by the joint venturers and submitted with its Proposal.

## **H. EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS**

The Carrier will be required to comply with State Equal Employment Opportunity requirements contained in N.J.S.A. 10:5-31 et seq., and N.J.A.C. 17:27 et seq. In addition, pursuant to N.J.S.A. 10:2-1 et seq, the Carrier agrees that:

1. 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 Carrier, nor any person acting on behalf of such Carrier 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;
2. No Carrier, 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;
3. There may be deducted from the amount payable to the Carrier 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

4. 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 the violation of this section of the Contract occurring after notice to the Carrier from the contracting public agency of any prior violation of this section of the Contract.

A Proposer is further required to comply with all other Equal Employment Opportunity requirements as described herein as well as any other applicable Federal or State statutes or regulations.

**I. SMALL BUSINESS ENTERPRISE (“SBE”)/DISABLED VETERAN-OWNED BUSINESS (“DVOB”) SET-ASIDE PROGRAM GOAL ASSIGNMENT**

As an aid in meeting the commitment of New Jersey’s SBE/DVOB Set-Aside Program, NJ TRANSIT has assigned a goal on the gross sum amount of the Proposal or Contract for SBE and/or DVOB utilization. All Division of Revenue and Enterprise Services registered/certified SBE and/or DVOB firms, including suppliers, in accordance with N.J.S.A. 52:32-17 et seq.; N.J.S.A 52:32-31.1 et seq., and N.J.A.C. 17:13-1.1 et seq.; N.J.A.C. 17:14-1.11 et seq., or other applicable regulation, shall have the maximum opportunity to participate in the performance of this Agreement and any Subcontract under it. NJ TRANSIT and the Proposer shall take all necessary and reasonable steps, in accordance with N.J.S.A. 52:32-17 et seq., N.J.S.A 52:32-31.1 et seq., and N.J.A.C. 17:13-1.1; 17:14-1.1 et seq. and the provisions set forth in “Requirements for State Funded Goods and Services Contracts and Subcontracts with SBEs and DVOBs” attached to this RFP and available for download in the electronic bidding file in the "Exhibit and Attachment List", to ensure that SBE and/or DVOB firms have equal opportunity to participate. Failure by the Proposer/Carrier to carry out the requirements of this Article shall be deemed a material breach of this Agreement.

NJ TRANSIT’s SBE/DVOB Program is accorded the same priority as compliance with all other legal obligations required under this agreement. Carriers shall comply with the SBE/DVOB Program requirements in the award and administration of NJ TRANSIT Contracts. Failure by the Carrier to carry out these requirements shall constitute a breach of the Contract, which may result in the termination of the Contract or other such remedy, as NJ TRANSIT deems appropriate.

The SBE/DVOB goals are identified in **Attachment D** for this Project.

**J. SMALL BUSINESS ENTERPRISE (“SBE”)/DISABLED VETERAN-OWNED BUSINESS (“DVOB”) PROGRAM COMPLIANCE REQUIREMENTS**

The Proposer shall refer to NJ TRANSIT’s “Requirements for State Funded Goods and Services Contracts and Subcontracts with SBEs and DVOBs”, attached to this

RFP, for instructions, guidance, explanations, and mandatory required forms for SBE/DVOB Program obligations under this Contract.

For this Contract, the Proposer shall identify all SBE, DVOB, Non-SBE, Non-DVOB Subcontractors/Subconsultants, and suppliers proposed to participate in and those solicited for this Contract, and shall complete and submit to NJ TRANSIT, in care of the Contract Specialist, the mandatory SBE/DVOB Forms A, A1, A2 and B. (Form A - SBE and/or DVOB Utilization, Form A1 - Contractor Solicitation & Contractor Information Log, Form A2 - Non-SBE/DVOB Subcontractor/Subconsultant Utilization and Form B - Intent to Perform as a SBE or DVOB Subcontractor/Subconsultant/Supplier). The Proposer shall also print and submit the SBE/DVOB firm's current SBE/DVOB Certification Profile from the SBE and/or DVOB Business Directory SAVI at [https://www20.state.nj.us/TYTR\\_SAVI/vendorSearch.jsp](https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp) for each SBE/DVOB firm identified to perform under this Contract. Additionally, the Proposer shall submit any applicable supplemental forms (Form D - SBE/DVOB Good Faith Effort), if applicable. All required SBE/DVOB forms and "Certification Profiles" shall be **submitted to NJ TRANSIT in care of the Contract Specialist with the Cost Proposal or within five (5) calendar days after the Cost Proposal due date.** However, Proposers are strongly encouraged to submit all mandatory documents with the Cost Proposal to prevent delay of the Contract award. Proposers shall review carefully and complete the forms entirely, with no blank fields.

Notwithstanding the date of submission of the mandatory SBE/DVOB forms, all negotiations between a Proposer and any potential SBE and/or DVOB Subcontractor, Subconsultant, or supplier shall be completed prior to the Cost Proposal due date. All SBE/DVOB forms are included in the "Requirements for State Funded Goods and Services Contracts and Subcontracts with SBEs and DVOBs", attached to this RFP and available for download in the electronic bidding file in the "Exhibit and Attachment List".

**Failure to submit any and all mandatory material SBE and/or DVOB documentation within five (5) Calendar days after the Cost Proposal due date shall result in a rejection of a Cost Proposal as non-responsive.**

Any questions regarding the SBE/DVOB requirements or the mandatory required forms for this Contract should be directed to the NJ TRANSIT Office of Business Development Specialist identified in **Attachment D**.

The State of New Jersey provides a searchable Diversity Registry of all registered and approved SBE and/or DVOB firms at the following website:  
[https://www20.state.nj.us/TYTR\\_SAVI/vendorSearch.jsp](https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp)

## **K. BUSINESS REGISTRATION CERTIFICATE**

Pursuant to N.J.S.A. 52:32-44, NJ TRANSIT is prohibited from entering into a Contract with an entity unless the Proposer and each Subcontractor/Subconsultant that is required by law to be named in a Proposal 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 Carrier shall provide NJ TRANSIT with its proof of Business Registration and that of any named Subcontractor(s)/Subconsultant(s).

Subcontractors/Subconsultant named in a Proposal shall provide proof of Business Registration to the Proposer, who in turn, shall provide it to NJ TRANSIT prior to the time a Contract, purchase order, or other contracting document is awarded or authorized.

During the course of Contract performance:

- (1) the Carrier shall not enter into a Contract with a Subcontractor/Subconsultant unless the Subcontractor/Subconsultant first provides the Carrier with a valid proof of Business Registration.
- (2) the Carrier shall maintain and submit to NJ TRANSIT a list of Subcontractors/Subconsultants and their addresses that may be updated from time to time.
- (3) the Carrier and any Subcontractor/Subconsultant 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 to 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 Carrier shall submit to NJ TRANSIT a complete and accurate list of all Subconsultants 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 NJ TRANSIT.



Accordingly, the Proposer should submit with its Proposal the Business Registration Certificates for all team members, but shall submit the Business Registration Certificates but no later than prior to Contract award.

**L. CARRIER'S CERTIFICATION OF ELIGIBILITY**

The Proposer shall certify on the "Carrier's Certification of Eligibility" **in the space provided in the electronic bidding file**, that neither it nor any of its Subcontractors, are included on the State of New Jersey, Department of Treasury, Consolidated Debarment Report, on the Workplace Accountability in Labor List, or on the State of New Jersey, Department of Labor and Workforce Development, Division of Wage and Hour Compliance, Prevailing Wage Debarment List.

Proposers shall also certify that neither it nor any of its Subcontractors, have any exclusions with the System for Award Management (S.A.M) on [www.SAM.gov](http://www.SAM.gov). If the Proposer, or any of its Subcontractors are included on such report, the Proposer may not be eligible for award of Contract.

**M. EQUAL PAY ACT**

Pursuant to N.J.S.A. 34:11-56.14, any employer, regardless of the location of the employer, who enters into a Contract with a public body to perform qualifying services to the public body shall provide a report to the Commissioner of the New Jersey Department of Labor and Workforce Development, in a form promulgated by the Commissioner, of information regarding the compensation and hours worked by employees categorized by gender, race, ethnicity and job category.

Information regarding the Diane B. Allen Equal Pay Act and its requirements may be obtained from the New Jersey Department of Labor and Workforce Development (LWD) web site at: <https://nj.gov/labor/equalpay/equalpay.html>.

LWD forms may be obtained from the online web site at:  
[https://nj.gov/labor/forms\\_pdfs/equalpayact/mw563\(6-18\)annualequalpay.pdf](https://nj.gov/labor/forms_pdfs/equalpayact/mw563(6-18)annualequalpay.pdf).

**N. POLITICAL CONTRIBUTION DISCLOSURE**

The Carrier is advised of its responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (ELEC), pursuant to N.J.S.A. 19:44A-20.27, et seq., if the Carrier receives one (1) or more Contracts in excess of \$50,000 from a public entity in a calendar year. It is the Carrier's responsibility to determine if filing is necessary. Failure to file can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available from ELEC at 888-313-3532 or at [www.elec.state.nj.us](http://www.elec.state.nj.us).

**O. NOTICE OF EXECUTIVE ORDER 125 REQUIREMENT FOR POSTING OF WINNING PROPOSAL AND CONTRACT DOCUMENTS “NOT APPLICABLE”**

Pursuant to Executive Order No. 125, signed by Governor Christie on February 8, 2013, the Office of the State Comptroller (“OSC”) is required to make all approved State Contracts for the allocation and expenditure of federal reconstruction resources available to the public by posting such Contracts on an appropriate State website. Such Contracts are posted on the New Jersey Sandy Transparency website located at:

<http://nj.gov/comptroller/sandytransparency/contracts/sandy/>

The Contract resulting from this RFP is subject to the requirements of Executive Order No. 125. Accordingly, the OSC will post a copy of the Contract, including the RFP, the winning Proposal and other related Contract documents for the above Contract on the Sandy Transparency website.

In submitting its Proposal, a Proposer may designate specific information as not subject to disclosure. However, such Proposer must have a good-faith legal and/or factual basis to assert that such designated portions of its Proposal (i) are proprietary and confidential financial or commercial information or trade secrets or (ii) must not be disclosed to protect the personal privacy of an identified individual. The location in the Proposal of any such designation should be clearly stated in a cover letter, and a redacted copy of the Proposal should be provided.

The State reserves the right to make the determination as to what is proprietary or confidential and will advise the winning Proposer accordingly. The State will not honor any attempt by a winning Proposer to designate its entire Proposal as proprietary, confidential and/or to claim copyright protection for its entire Proposal. In the event of any challenge to the winning Proposer’s assertion of confidentiality with which the State does not concur, the Proposer shall be solely responsible for defending its designation.

**P. NOTICE OF EXECUTIVE ORDER 166 REQUIREMENT FOR POSTING OF WINNING PROPOSAL AND CONTRACT DOCUMENTS “NOT APPLICABLE”**

Pursuant to Executive Order No. 166, signed by Governor Murphy on July 17, 2020, the Office of the State Comptroller (“OSC”) is required to make all approved State Contracts for the allocation and expenditure of COVID-19 Recovery Funds available to the public by posting such Contracts on an appropriate State website. Such Contracts will be posted on the New Jersey transparency website developed by the Governor’s Disaster Recovery Office (GDRO Transparency Website).

The Letter of Engagement resulting from this Engagement Query is subject to the requirements of Executive Order No. 166. Accordingly, the OSC will post a copy of the Letter of Engagement, including the Engagement Query, the winning

Proposer's Proposal and other related Contract documents for the above Contract on the GDRO Transparency website.

In submitting its Proposal, a Proposer may designate specific information as not subject to disclosure. However, such Proposer must have a good faith legal or factual basis to assert that such designated portions of its Proposal: (i) are proprietary and confidential financial or commercial information or trade secrets; or (ii) must not be disclosed to protect the personal privacy of an identified individual. The location in the Proposal of any such designation should be clearly stated in a cover letter, and a redacted copy of the Proposal should be provided. A Proposer's failure to designate such information as confidential in submitting a Proposal shall result in waiver of such claim.

The State reserves the right to make the determination regarding what is proprietary or confidential and will advise the winning Proposer accordingly. The State will not honor any attempt by a winning Proposer to designate its entire Proposal as proprietary or confidential and will not honor a claim of copyright protection for an entire Proposal. In the event of any challenge to the winning Proposer's assertion of confidentiality with which the State does not concur, Proposer shall be solely responsible for defending its designation.

#### **Q. OWNERSHIP DISCLOSURE**

Pursuant to N.J.S.A. 52:25-24.2, in the event the Proposer is a corporation, partnership or limited liability company, it must complete and submit a current, Ownership Disclosure Form prior to the Proposal due date, or accompanying the Proposal. The Ownership Disclosure Form must set forth the names and addresses of all stockholders in a corporation who own ten percent (10%) or more of its stock, or of all the individual partners in the partnership who own a ten percent (10%) or greater interest, or of all the members in the limited liability company who own a ten percent (10%) or greater interest. If one or more stockholders, partners, or members is itself a corporation, partnership, or limited liability company, the stockholders holding ten percent (10%) or more of that corporation's stock, or the individual partners owning ten percent (10%) or greater interest in that partnership, or the members owning ten percent (10%) or greater interest in the limited liability company, shall also be listed. To comply with this requirement, a Proposer 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 ten percent (10%) or greater beneficial interest in the publicly traded entity as of the last annual filing with the Securities and Exchange Commission, and, if there is any person that holds a ten percent (10%) 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 ten percent (10%) or greater beneficial interest.

Failure to submit the form prior to, or with the Proposal will result in the rejection of the Proposal.

**R. SOURCE DISCLOSURE REQUIREMENTS – N.J.S.A. 52:34-13.2**

Under N.J.S.A. 52:34-13.2, all Contracts primarily for services awarded by NJ TRANSIT shall be performed within the United States, except when the Contracting Officer certifies in writing a finding that a required service cannot be provided by a Carrier or Subcontractor within the United States and the certification is approved by NJ TRANSIT'S President and CEO.

All Proposers seeking a Contract primarily for services with NJ TRANSIT must disclose the location, by country, where services under the Contract, including subcontracted services, will be performed.

If any of the services cannot be performed within the United States, the Proposer shall state with specificity the reasons why the services cannot be so performed. NJ TRANSIT'S Contracting Officer shall determine whether sufficient justification has been provided by the Proposer to form the basis of his certification that the services cannot be performed in the United States and whether to seek the approval of the President and CEO.

Accordingly, the Proposer should submit the attached Source Disclosure Certification form with its Proposal. If the information is not submitted with the Proposal, it shall be submitted within five (5) Calendar Days of NJ TRANSIT'S request.

Failure to submit sourcing information when requested by NJ TRANSIT shall preclude award of a Contract to the Proposer.

**R1. BREACH OF CONTRACT FOR SHIFT OF SERVICES OUTSIDE THE UNITED STATES**

If, during the term of the Contract, the Carrier or Subcontractor, who had on Contract award declared that services would be performed in the United States, proceeds to shift the performance of the services outside the United States, the Carrier shall be deemed to be in breach of its Contract, which Contract shall be subject to termination for cause pursuant to Article 16 of the Agreement (**Exhibit 1**), unless previously approved by the Contracting Officer and the President and CEO (Executive Director).

**S. DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

Pursuant to N.J.S.A. 52:32-58, et seq., any person or entity that submits a bid or Proposal or otherwise proposes to enter into or renew a Contract must certify, prior to Contract award, 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.<sup>1</sup>

**T. CERTIFICATION OF NON-INVOLVEMENT IN PROHIBITED ACTIVITIES IN RUSSIA OR BELARUS PURSUANT TO N.J.S.A. 52:32-60.1**

Pursuant to N.J.S.A. 52:32-60.1, et seq. any person or entity (hereinafter "Vendor") that seeks to enter into or renew a Contract with a State agency for the provision of goods or services, or the purchase of bonds or other obligations, must complete the certification indicating whether or not the Vendor is engaged in prohibited activities in Russia or Belarus; and whether the vendor is identified on the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list of Vendors engaged in prohibited activities in Russia or Belarus.<sup>2</sup> If OFAC finds that a Vendor has made a certification in violation of the law, it shall take any 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. Failure to complete and submit this certification prior to Contract award will preclude award of a Contract to the Proposer.

**U. TECHNICAL EVALUATION COMMITTEE**

A Project Technical Evaluation Committee (TEC) comprised of NJ TRANSIT staff will be responsible for reviewing written Proposals and oral presentations, and recommending a Proposer for award of this Contract. The TEC will analyze the submitted Technical Proposals, which must include Project manpower estimates, for the respective tasks outlined in the Scope of Services. In order to adequately evaluate the Proposer's capability, the Proposal must address all tasks as set forth in Scope of Services of this RFP. The Proposer should include the level of detail it determines necessary to assist the TEC in its review and evaluation of its Proposal.

**V. MODIFICATION OR WITHDRAWAL**

Proposers may submit Proposals as early as possible, as Proposals are held at

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1 <https://www.nj.gov/treasury/purchase/forms/DisclosureofInvestmentActivitiesinIran.pdf>

2 <https://www.nj.gov/treasury/administration/pdf/DisclosureofProhibitedActivitesinRussiaBelarus.pdf>

BidExpress.com until the Proposal due date. Proposers may resubmit Proposals as many times as needed, prior to the Proposal due date, however only the latest Proposal will be valid on Bid Express.

Proposals may be withdrawn at any time prior to the time specified for the opening of Proposals by removing or deleting the uploaded file. The withdrawal of a Proposal does not prejudice the right of the Proposer to submit a new Proposal. Withdrawals are not permitted after the time specified for the opening of Proposals in the electronic bidding file on Bid Express.

Unless a Proposal is withdrawn as specified above, NJ TRANSIT will consider all Proposals firm offers until such time as NJ TRANSIT executes a Contract with the successful Proposer.

## **W. DISQUALIFICATION OF PROPOSERS/PROPOSALS**

Submission of more than one (1) Proposal from an individual, firm, partnership, corporation or combination thereof under the same or different names shall be cause for disqualification of the Proposals submitted by such entities. Reasonable grounds for believing that any individual, firm, partnership, corporation or combination thereof is interested as a principal in more than one (1) Proposal for the procurement contemplated may cause the rejection of all Proposals submitted by such individual, firm, partnership, corporation or combination thereof.

## **II. PROJECT BACKGROUND AND DESCRIPTION; SCOPE OF SERVICES (GENERAL AND DETAILED)**

Project-specific information, including background, Carrier qualifications, and scope of services are addressed in detail in **Attachment C** to the RFP.

## **III. PROPOSAL REQUIREMENTS**

### **A. GENERAL**

Proposals for the Project must be uploaded to the Bid Express website, [www.bidexpress.com](http://www.bidexpress.com), on the scheduled Proposal due date and time as specified in **Attachment D** (subject to change by Addenda). The Proposer must upload both its Technical and Cost Proposals prior to the hour specified so that it is included in the Project download. Late Proposals shall not be accepted. This platform is the only method to submit a Proposal for this Project; hard copy or emailed Proposals will not be accepted. **Note: In an effort to increase download speeds of submitted Proposals, this Proposal has a total MAXIMUM upload limit of (7 lines). Each upload line has a maximum limit of 10 MB.**

In consideration of the health, safety, and welfare of the agency employees and the bidding community alike, the public proposal opening for RFP No. 0000241 –

Atlantic City Rail Shuttle Service, which is scheduled for the date and time specified in **Attachment D**, will be by CONFERENCE CALL ONLY. Please see meeting information below:

Microsoft Teams Meeting or Dial-In: 1-862-294-4371 Conference ID: 726 838 598#.

[Join Microsoft Teams Meeting](#)

Proposers are requested to begin each file name with abbreviated RFP Number, name of firm and include content description or Attachment Number, if applicable. (For example, RFP No. 0000241 – Firm ABC – Technical Proposal). While detailed file names are requested, please also avoid lengthy file names and abbreviate when possible.

In order to propose, users must have a digital ID. Proposer digital IDs can take up to seven (7) business days to obtain. **There are no fees associated with submitting a Proposal.** Note you will be required to download and install the plugin as well as any additional software provided by Bid Express prior to uploading your Proposal. Your corporate or personal security settings may require additional steps before the software can be installed. Please plan accordingly. You may submit Proposals as early as possible, as Proposals are held at [www.bidexpress.com](http://www.bidexpress.com) until the Proposal due date. You may resubmit Proposals as many times as you need to, however only your latest Proposal is valid. In order to obtain all pertinent Proposal documents, interested firms must register with Bid Express at [www.bidexpress.com](http://www.bidexpress.com). To subscribe, follow instructions on the website. In order to submit a Proposal, NJ TRANSIT recommends that Firms apply for a digital ID at least seven (7) business days prior to the Proposal due date.

Once the Proposer has completed its Proposal, the Proposer shall submit the electronically signed Proposal via the Bid Express website [www.bidexpress.com](http://www.bidexpress.com). The Proposer shall ensure delivery of its Proposal with all required components and attachments.

The Proposer is solely responsible for any and all errors in its Proposal and for timely submission of the Proposal, all components thereof, and all attachments thereto, through the electronic bidding system; NJ TRANSIT assumes no responsibility for any claim arising from the failure of any Proposer or of the electronic delivery system to cause any Proposal, Proposal component, or attachment to not be delivered to NJ TRANSIT on or before the time set for Proposal due date.

The names of those firms that submitted Proposals for this RFP will be posted on Bid Express ([www.bidexpress.com](http://www.bidexpress.com)) and on NJ TRANSIT'S Procurement Calendar (<https://www.njtransit.com/procurement/calendar>).

This RFP is the property of NJ TRANSIT. It is to be used solely by those organizations and individuals to whom copies have been sent and solely for the purpose of preparing Proposals for the services described in the RFP. No distribution of this RFP may be made without prior written approval of NJ TRANSIT.

Clear and concise Proposals are recommended. Elaborate Proposals and artwork, expensive paper and bindings, and expensive visual and other preparation aids are not necessary or desirable.

Proposals shall be valid for the period of time it takes to negotiate an agreement and execute a Contract with the successful Proposer. Said period is not expected to exceed six (6) months from the date of Proposal receipt. A duly authorized official of the Proposer or joint venture must sign the Proposal.

#### A1. OPEN PUBLIC RECORDS ACT

Proposers or Bidders are hereby notified that all documents, data, materials, and information submitted by Proposers or Bidders in response to a solicitation constitutes public information and/or government records under New Jersey law. When the Proposal or Bid contains a negotiation component, the Proposal or Bid will not be subject to public disclosure until a notice of intent to award is issued by NJ TRANSIT. Portions of a submission may be exempt from public disclosure by the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq., ("OPRA") and the common law. As part of its Proposal or Bid, a Proposer or Bidder may identify any data or material it asserts are exempt from public disclosure under OPRA, N.J.A.C. 16:72-1.11, and/or the common law. The Proposer or Bidder must provide the good faith basis for any such assertions. The Proposer or Bidder must provide a detailed statement clearly identifying those portions of the Proposal or Bid that it claims are exempt from public disclosure, as well as the facts that support the exemption. The location of any such designation(s) in the Bid or Proposal must be clearly stated in a cover letter. Designations of confidentiality and the basis thereof must be provided with the Proposal or Bid. NJ TRANSIT will not honor assertions of confidentiality made after a Proposal or Bid is opened. NJ TRANSIT will not honor any attempt by a Proposer or Bidder to designate its entire bid or entire sections or pages therein as proprietary, confidential and/or to claim copyright protection for its entire bid. This includes boilerplate claims of confidentiality in the header and/or footer of Proposal or Bid documents, generalized statements of confidentiality that do not contain the specificity and rationale required by applicable laws, and claims of confidentiality that are not accompanied by a relevant legal justification. By submitting an assertion of confidentiality pursuant to this section, the Proposer or Bidder agrees that it shall defend, indemnify, protect, and save harmless NJ TRANSIT from and against all suits, actions, claims, demands, and/or damages of any kind arising as a result of the Proposer's or Bidder's designation(s), including court costs, counsel fees, settlements, judgments or otherwise. The Proposer or Bidder may elect to defend its assertion of exemption from the public disclosure requirements of OPRA or the common law,



but in doing so, all costs and expenses associated therewith shall be the responsibility of the Proposer or Bidder or Contractor. NJ TRANSIT assumes no such responsibility or liability.

## **A2. PROPOSED ADDITIONAL TERMS**

A Proposer may submit additional terms as part of its Proposal including additional proposed terms and conditions may be accepted, but proposed terms or conditions that conflict with those contained in the RFP or that diminish NJ TRANSIT'S rights under any Contract resulting from the RFP, may render a Proposal non-responsive. It is incumbent upon the Proposer to identify and remove its conflicting proposed terms and conditions prior to Proposal submission. Where additional terms are submitted, they may be accepted, rejected, or negotiated, in whole or in part, at NJ TRANSIT'S sole discretion where the terms do not conflict with material terms of the RFP or do not diminish NJ TRANSIT'S rights under the Contract resulting from the RFP.

In the event that a Proposer intends to propose terms and conditions that conflict with the RFP, those proposed terms and conditions shall only be considered if submitted and agreed to pursuant to the "Request for Information and Addenda" set forth in Section I, Subparagraph E. of this RFP.

After award of the Contract, if a conflict arises between a Proposer's additional terms included in the Proposal and a term or condition of the RFP, the term or condition of the RFP will prevail.

## **B. TECHNICAL PROPOSAL FORMAT**

Requirements for formatting the Technical Proposal are detailed in **Attachment B**.

## **C. ORAL PRESENTATION FORMAT**

If requested, oral presentations shall be made before the TEC and shall consist of an introduction of the Proposer's Project team, a general discussion of why the team should be selected for the Project, and a detailed account of the particular experience of each major team member. The oral presentations shall also include the methodology and approach that the Proposer intends to use in the development of the design and explain in necessary detail the basis why this approach was chosen as well as any applicable Projects where this approach was used in the past.

The oral presentation period will be scheduled for a maximum of two (2) hours for each Proposer. Each Proposer will be granted up to forty-five (45) minutes for highlighting significant points of interest to NJ TRANSIT. The balance of the presentation shall be reserved for discussions with the TEC members on any and

all subjects in regard to the written Proposal, oral presentation, and other Project issues as deemed relevant by the TEC.

Members of the Carrier's team who will play the key and significant roles in managing the Project shall attend and participate in the oral presentation. Attendance shall enable each TEC member to become acquainted with the individuals so designated.

Each Proposer shall be required to make an oral presentation to NJ TRANSIT's TEC, a committee comprised of NJ TRANSIT personnel. The scope of the oral presentation shall consist of the topics outlined below in this section and include a question-and-answer period. Information put forth during the oral presentation will be used by NJ TRANSIT's TEC in the scoring of the Proposer's Technical Proposal. The oral presentation is a mandatory part of the Technical Proposal evaluation. Failure by the Proposer to make the required oral presentation shall result in the disqualification of the Proposer's Proposal.

The Proposer's designated Operations Director or Project Manager **MUST BE PRESENT** at the oral presentation and be prepared to answer any questions posed by the TEC. Failure on the Proposer's part to have the Project Manager or Operations Director participate in this presentation may result in the Proposer's **immediate disqualification**.

The oral presentation will be structured as follows:

- Review of the Proposer's qualifications, including corporate and management experience, prior operating experience, proposed management personnel and functions. Time Limit (15 minutes)
- Review of the Proposer's maintenance programs and facility, including preventive maintenance programs, inspection cycles, handling of road failures and accidents and pertinent facility information. Time Limit (15 minutes)
- Review of the Proposer's operational plan, including start up plan, scheduling of work, service levels, operator training, and road supervision. Time Limit (15 minutes)
- Questions and answers.

#### **D. COST PROPOSAL FORMAT AND ADDITIONAL REQUIREMENTS**

Requirements for formatting the Cost Proposal are detailed in **Attachment B must be submitted on the Excel sheet included as Attachment E. The Carrier must complete all tabs in the Excel sheets included as Attachment E. Cost Proposal must be prepared in accordance with the instructions in the Cost Proposal Package (Attachment B).** The Proposer shall furnish a Cost Proposal, on the forms provided in the Cost Proposal package, for the initial Contract period.

The Cost Proposal will be evaluated based on the proposed cost of the Proposer performing the service outlined in this RFP and shall include all operational and maintenance costs within the cost structure outlined in the Cost Proposal. NJ TRANSIT reserves the right to reject any Proposal which proposes a cost structure that does not allow for the realistic accomplishment of the service outlined in this RFP.

Proposers are cautioned to carefully complete the Cost Proposal and to follow the procedures and provide the required information requested on the Cost Proposal Form. Material deviations regarding the submission of and information required for the Cost Proposal shall result in rejection.

All costs are subject to negotiation.

By submission of its Proposal, the Proposer represents and warrants that it has sufficiently informed itself in all matters affecting the provision of local bus services called for in the solicitation; that it has checked its Proposal for all errors and omissions; that the prices stated in its Proposal are correct and as intended by it; and are a complete and correct statement of its prices for performing the services required by the RFP and contract documents.

NJ TRANSIT shall not be liable for any cost or expenses incurred by the Proposers for the preparation of the Proposal in response to this RFP.

All proposed costs will be evaluated to determine their reasonableness and whether they are allowable and allocable. The Federal Transit Administration Cost Standards (Federal Acquisition Regulations Part 31) will be used as the guideline in determining the reasonableness of Carrier's costs.

#### **E. SITE VISITS**

Each operation and/or maintenance site identified by the Proposer in their submittal of the technical proposal will be visited and reviewed by members of NJ TRANSIT's TEC for consideration of the proposal evaluation. The week after the proposal submission, the primary point of contact or project manager identified in the technical proposal will be notified of the exact date and time of the site visit.

Each Proposer is urged to have personnel on hand to appropriately describe how the facility will function if the firm were to be awarded the contract. The Proposer is urged to have the project manager, operations manager, and maintenance manager identified in the technical proposal onsite to answer questions posed by the TEC during the site visit. If those individuals are unable to attend, the Proposer must ensure there is staff onsite that is knowledgeable of how the site is envisioned to be operated and the site plans proposed by the firm.

The TEC will be granted full access and provided with a tour of the entire facility.

The Proposer will describe the workflow of a typical day of service from vehicle staging and driver report to end of day fueling and cleaning of the revenue vehicles. A tour of the maintenance facility and explanations of how the facility is being utilized will be provided to the TEC by the Proposer's staff.

If the proposed facility is not currently equipped or operating as a bus depot, the Proposer should identify how the facility will be equipped and describe the intentions of how the facility will be utilized. The Proposer must identify snow removal processes and procedures as well as vehicle washing and cleaning locations and processes. The Proposer will identify to the TEC, the process and location of where revenue fare boxes will be emptied and the process and location for which the revenue will be secured. The Proposer's fueling facilities and processes will be identified and described to the TEC. The Proposer will identify and describe the parking and traffic plan of the facility including that of the revenue buses, non-revenue vehicles, staff parking, and all other vehicles operating from the facility. The Proposer is urged to describe the emergency plans of the facility including securing the equipment and rolling stock in the event of a flood, fire, or other such calamity. The site's security apparatus and plans should be identified and described including site fencing, camera systems, lighting, and access systems.

NJ TRANSIT TEC personnel will wear an appropriate safety vest and personal protection equipment as necessary. NJ TRANSIT TEC members will check-in with the Proposer's personnel as appropriate upon arrival at the facility. Once all TEC members arrive onsite, the "tour" and presentation of the property may commence. The site visit will be limited to no longer than two (2) hours from the scheduled time of arrival.

#### **F. CONFLICT OF INTEREST**

An organizational conflict of interest occurs where a Proposer is unable, or potentially unable, to render impartial assistance or advice due to activities, relationships, Contracts, or circumstances which may impair the Proposer's objectivity; or a Proposer has an unfair competitive advantage. If the Proposer or any employee, agent or Subcontractor of the Proposer may have or may give the appearance of a possible conflict of interest, the Proposer shall include in its Proposal a statement indicating the nature of the conflict.

Also, the Proposer must provide a description of how the Proposer avoids or addresses potential conflicts of interest. If the Proposer does not have such conflicts, then that shall be stated in this section with sufficient detail in support of such statement. This statement must be on company letterhead and signed by an authorized representative of Proposer. NJ TRANSIT will determine whether the Proposer or any employee, agent or Subcontractor has a conflict or potential conflict of interest on a case-by-case basis. NJ TRANSIT reserves the right to disqualify the Proposer if, in its sole discretion, any interest disclosed from any

source could create, or give the appearance of, a conflict of interest. NJ TRANSIT'S determination regarding any question(s) of conflict of interest shall be final.

The Proposer or any employee, agent or Subcontractor of the Proposer shall also identify any Projects, past or present, it has performed for NJ TRANSIT relating to the services requested in this RFP, including the dates of the Project, the Contract number, the Project supervisor, and a brief description of the scope of work.

To the extent that this RFP involves a potential for follow-up work, the Proposer, its subsidiaries and affiliates, joint ventures involving the Proposer, and any employee, agent or Subcontractor may be precluded from participating in any follow-up work so as to avoid a conflict of interest or potential bias such as an unfair competitive advantage. (See Federal Acquisition Regulation Subpart 9.507 (FAR 9.507))

#### **G. PROPOSER'S CERTIFICATIONS**

All Proposers (prime Carrier only unless otherwise indicated below) shall certify in the space provided in the electronic bidding file the following:

- Affidavit of Compliance (NJ TRANSIT's Code of Ethics for Vendors)
- Non-Collusion Certification
- Carrier's Certification of Eligibility
- Addenda Acknowledgement Certification
- Certification Regarding Debarment, Suspension, and Other Responsibility Matters

All Proposers (prime Carrier only unless otherwise indicated below) shall upload one (1) signed copy of the following in the space provided in the electronic bidding file:

- Statement of Joint Venture (if applicable)

Proposers (unless otherwise indicated below) **should** submit the following with the Proposal in the space provided in the electronic bidding file but **must** submit to the Contracting Officer within the indicated time frame below:

- SBE/DVOB Forms (**must be submitted within five (5) Calendar Days of Proposal submission**)
- Business Registration Certificate (**must be submitted before the date of Contract award**) (**required from prime Carrier and all subcontractors**)
- Source Disclosure Certificate Form (**must be submitted within five (5) Calendar Days of request, which shall be before Contract**

**Award)**

- Certification of Non-Involvement in Prohibited Activities in Russia or Belarus Pursuant to N.J.S.A. 52:32-60.1 (**must be submitted before the date of Contract award**)
- Disclosure of Investment Activities in Iran (**must be submitted prior to Contract Award**)
- Ownership Disclosure (**must be submitted with the Proposal**)
- Civil Rights Assurance and Title VI Assurance (**must be submitted before the date of Contract award**)

**H. CIVIL RIGHTS ASSURANCE AND TITLE VI ASSURANCE**

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. The Contractor agrees to comply with NJ TRANSIT's **Exhibit 16 - Department Of Transportation Title VI Assurance Program**, and acknowledges that it will support and cooperate with NJ TRANSIT's effort to oversee and monitor such compliance.

**IV. METHOD OF SELECTION**

**A. PROPOSAL DISTRIBUTION**

NJ TRANSIT will provide a copy of each Technical Proposal to members of the Technical Evaluation Committee (TEC). This committee will consist of members from various departments within NJ TRANSIT. Duties of the committee will include:

- Evaluation and ranking of Technical Proposals
- Recommending a Proposal for Contract Award
- Assisting the Procurement Department as required with the negotiations of the Proposer's costs.

**B. PROPOSAL EVALUATION**

The TEC will evaluate the Proposals submitted and the recommendation to award will be made based on technical and cost evaluation scores as well as comparison to the benchmark cost submitted by NJ TRANSIT Bus Operations. Each individual on the TEC will review and evaluate the written Technical Proposals based on the quality and substance of the submitted Proposal. Written Technical Proposals will be evaluated against the technical evaluation criteria enumerated in **Attachment A** of this RFP.

## Scoring Requirements

Proposers must achieve a minimum score of 75 out of 100 points, on their technical proposal, in order to have their Cost Proposal evaluated. Proposals that fail to meet the required 75 point minimum technical score, for the Technical Proposal evaluation, will not be considered for further review and their Cost Proposal will not be opened or considered. Proposers are advised that NJ TRANSIT will round technical evaluation scores; if .5 or up it will be rounded to the nearest whole number or .4 or less it will be rounded down to the nearest whole number in accordance with traditional mathematical rounding principles, e.g., a score of 77.5 will be rounded to 78, and a score of 77.4 will be rounded to 77.

Proposals that do not comply with the material terms and conditions of this solicitation shall be rejected as non-responsive. NJ TRANSIT reserves the right to reject any and all Proposals in accordance with law.

Cost Proposals will be allotted a proportionate score based on the percentage difference from the lowest Cost Proposal submitted.

The scoring weight of the Technical Proposal and Cost Proposal is set forth in **Attachment D**. The combined technical and cost evaluations will be used to establish the initial competitive range. The number of Proposers deemed to be in the competitive range may be limited for efficiency purposes.

If oral presentations are requested by the TEC, conducted in the format set forth at Section III.C., the presentation will provide an opportunity for the Proposer to clarify or elaborate on its written Technical Proposal. The TEC will use the Oral Presentations to confirm and/or reassess its understanding of the written Technical Proposals, and incorporate that information into its evaluation by revising the written technical evaluation scores accordingly.

All proposed expenses will be evaluated to determine their reasonableness and whether they are allowable and allocable. The Federal Transit Administration Cost Standards (Federal Acquisition Regulations Part 31) will be used as the guideline in determining the reasonableness of firm costs.

NJ TRANSIT reserves the right to assess and reassess its understanding of Proposals and revise the rating and ranking of such Proposals at any time prior to selection.

Reference checks will be performed for each Proposer deemed within the competitive range and the results furnished to the TEC. Although the reference checks will not be scored per se, they will be used to validate information contained in the Technical Proposals.

## V. NEGOTIATIONS

NJ TRANSIT reserves the right to:

- Pursuant to applicable law, reject all Proposals submitted if in the best interest of NJ TRANSIT.
- Accept any Proposal as submitted without negotiations.
- Reject, without entertaining revisions, a Proposal with major substantive deficiencies.

NJ TRANSIT will enter into negotiations with the highest ranked Proposer. NJ TRANSIT considers all elements of the Proposal subject to negotiations. If a satisfactory Contract cannot be negotiated, negotiations will be formally ended. Only then will negotiations be conducted with the next highest ranked Proposer. This procedure will be followed until a satisfactory Contract can be negotiated.

At its discretion, NJ TRANSIT may elect to request a Best and Final Offer from those Proposers falling within the competitive range.

Cost Proposals, which do not provide consideration of all factors of cost in accordance with the standards, requirements, and criteria established in the RFP, or are inconsistent with the proposed operations, staffing, or procedures presented in the Proposer's Technical Proposal, may be rejected as non-responsive.

The highest ranked Proposer will be determined by the highest total combined score (i.e., technical + cost score).

## VI. APPROVAL AND AWARD

Once negotiations have been completed, a recommendation for award of the Contract to the Proposer, whose Proposal conforms to the RFP and is most advantageous to NJ TRANSIT, price and other factors considered, will be issued for approval by NJ TRANSIT'S Board of Directors (if applicable). Upon the Board's approval of the recommendation for award (if applicable), NJ TRANSIT will enter the Agreement found in **Exhibit 1**.

Within ten (10) Business Days of receipt of Notice of Award, the successful Proposer shall properly execute the Contract and submit to NJ TRANSIT, the Contract, the specified insurance certificates, and any other document as may be specified in the Contract agreement. NJ TRANSIT will execute the Contract and will return an executed copy to the selected Proposer/Carrier.

In accordance with N.J.A.C. 16:72-3.10, NJ TRANSIT reserves the right to cancel the award of a Contract before execution if NJ TRANSIT deems such cancellation to be in its best interests. In no event will NJ TRANSIT have any liability for the cancellation of such award. The Proposer assumes the sole risk and responsibility



for expenses incurred prior to execution of the Contract and shall not commence work until receipt of a Notice to Proceed.

## **VII. PROTEST PROCEDURE**

### **A. Definitions**

1. "File or Submit" means date of receipt by NJ TRANSIT'S Contracting Officer.
2. "Federal Law or Regulation" means any valid requirement imposed by Federal statute or regulation governing Contracts awarded pursuant to the grant agreement. This includes the requirements as stated in FTA Circular 4220.1F
3. "Interested Party" means an actual or prospective Proposer, an offeror or party whose direct economic interest would be affected by the award or failure to award the Contract at issue.

### **B. Parties**

Only an Interested Party may file a protest.

### **C. Types of Protests/Time Limits**

1. Protests based upon a challenge to the specifications or alleged improprieties in NJ TRANSIT'S procurement process must be filed no later than fourteen (14) Calendar Days prior to the Proposal submission date.
2. Protests based upon rejection of a Proposal shall be filed no later than five (5) Business Days after receipt of NJ TRANSIT's rejection of the Proposal.
3. Protests based upon the award of a Contract shall be filed no later than five (5) Business Days after the receipt of NJ TRANSIT'S Notice of Intent to Award.
4. All protests must be filed in writing. Oral protests will not be accepted.

### **D. Where to File**

Protests must be filed directly with NJ TRANSIT'S Contracting Officer, or designee, at the address of Two Gateway 283-299 Market Street Newark, New Jersey 07102-5310, and identifying the RFP number.

#### **E. The Protest**

The protest must contain the following information:

1. The name, address, and telephone number of the protestor.
2. Identity of the RFP (by number and description).
3. A statement of the specific grounds for protest and any supporting documentation. Additional materials in support of the protest will only be considered if filed within the time limits set in Section C.
4. An indication of the ruling or relief desired from NJ TRANSIT.

#### **F. Confidentiality of Protest**

Materials submitted by a protestor will not be withheld from any Interested Party, except to the extent that the withholding of information is permitted or required by law or regulation. If the protestor believes the protest and any supporting documentation contains proprietary material that should be withheld, the protestor shall submit a statement advising of this fact affixed to the front page of the protest documents and the alleged proprietary information must be so identified wherever it appears. In the event that a public request is made for materials that the protestor has identified as confidential, NJ TRANSIT shall have the sole discretion and final authority to determine whether the materials are exempt from public disclosure and shall take action as required by applicable law.

#### **G. Protest Procedures: Challenges to a Specification**

1. An Interested Party finding cause to challenge a specification contained within the RFP may submit a written protest to NJ TRANSIT'S Contracting Officer setting forth in detail the grounds for such protest.
2. A written protest may be submitted by an Interested Party only after NJ TRANSIT has formally responded to any questions raised by prospective Proposers and must be submitted at least fourteen (14) Calendar Days prior to the Proposal submission date to permit a review of the merits of the protest and to take appropriate action, as may be necessary, prior to the scheduled deadline for Proposal submission.
3. A protest of a specification of the advertised RFP shall contain the following:
  - a. The RFP number and description; and

- b. The specification(s) at issue and the specific grounds for challenging the cited specification(s), including all arguments, materials, or other documentation in support of the protestor's position.
4. NJ TRANSIT'S Contracting Officer may disregard a protest not containing all of the items set forth in 3 above.
5. NJ TRANSIT'S Contracting Officer may, upon timely receipt of a protest of a specification, issue a final written decision on the protest prior to the Proposal submission date. Where a decision is issued, such determination shall be a final agency decision. NJ TRANSIT'S Contracting Officer has the sole discretion to determine if an in-person presentation by the protestor is necessary to reach an informed decision on the protest.
6. NJ TRANSIT'S Contracting Officer may resolve a protest of a specification by amending the RFP and extending the deadline for Proposal submission, by canceling the procurement, or by any other appropriate means.

**H. Protest Procedures: Challenges to Rejection of a Proposal or Contract Award**

1. An Interested Party finding cause to challenge the rejection of a Proposal or award of the Contract for this RFP may submit a written protest to NJ TRANSIT'S Contracting Officer setting forth in detail the grounds for such protest.
2. All written protests must conform to the time requirements as set forth above. Failure to timely submit a protest may result in the disregard of a protest.
3. A protest under this section shall contain the following information:
  - a. The RFP number and description;
  - b. The specific grounds for the protest including all arguments, materials, or other documentation in support of the protestor's position; and
  - c. A statement as to whether the protestor requests an opportunity for an in-person hearing and the reason(s) for the request. The opportunity for an in-person presentation is at the sole discretion of the NJ TRANSIT Contracting Officer and subject to the terms set forth below.

4. Failure by a protestor to include all required information may result in a dismissal of the protest.
5. Protests accepted by NJ TRANSIT shall be resolved in writing on the basis of NJ TRANSIT'S review of the record, including, but not limited to, the written protest, the terms, conditions and requirements of the RFP, pertinent administrative rules, statutes, and case law, and any associated documentation NJ TRANSIT deems appropriate. In cases where no in-person hearing is held, the written record shall, in and of itself, constitute a hearing. The determination by NJ TRANSIT shall be a final agency decision.
  - a. NJ TRANSIT has the sole discretion to determine if an in-person presentation by the protestor is necessary to reach an informed decision on the matter(s) of the protest. In-person presentations are for the benefit of NJ TRANSIT. NJ TRANSIT also has the discretion to limit attendance at an in-person presentation, when granted.
  - b. NJ TRANSIT'S decision will address only the issues raised originally by the protestor.

**I. Request for Additional Information**

1. NJ TRANSIT'S Contracting Officer, or designee, is entitled to request, receive, and review copies of any and all records and documents deemed appropriate and relevant to the issues and arguments set forth in the protest. Upon receipt of a request by NJ TRANSIT'S Contracting Officer, or designee, the protestor shall promptly provide the requested records and documents free of charge within the time frame specified by NJ TRANSIT.
2. If a protestor fails to comply with the provisions of this section, such failure may constitute a reasonable basis for NJ TRANSIT to resolve the protest against the protestor. Failure of a protestor to comply expeditiously with a request for information as specified by NJ TRANSIT'S Contracting Officer, or designee, may also result in determination of the protest without consideration of the additional information.
3. NJ TRANSIT'S Contracting Officer, or designee, may also consider relevant information requested and received from other parties deemed appropriate by NJ TRANSIT.

**J. Procurement Process Status**

Upon timely receipt of a protest, NJ TRANSIT will delay the opening of Proposals until after resolution of the protest for protests filed prior to the Proposal submission date, or withhold award until after resolution of the protest for protests filed after Proposal receipt. However, NJ TRANSIT may open Proposals or award a Contract whenever NJ TRANSIT, at its sole discretion, determines that:

1. The items or work to be procured are urgently required; or
2. Delivery or performance will be unduly delayed by failure to make the award promptly; or
3. Failure to make prompt award will otherwise cause undue harm to NJ TRANSIT or the Federal Government.

**K. Federal Transit Administration (FTA) Involvement**

Where procurements are funded by the FTA, the protestor may protest to the FTA only where the protest alleges that NJ TRANSIT failed to have or to adhere to its protest procedures, failed to review a complaint or protest, or alleges a violation of a Federal law or regulation. Any protest to the FTA must be filed in accordance with FTA Circular 4220.1F.

**L. Debriefing and Dispute Process**

Each of the participating Proposers will be notified in writing of the award determination. The notification will offer each of the participating Proposers the opportunity to meet with NJ TRANSIT staff for a debriefing, consistent with N.J.A.C. 16:85-3.12. Participating Proposers must request such a debriefing within five (5) Business Days of receiving the determination notification.

Consistent with N.J.A.C. 16:85-3.13, upon the Board of Directors' award of a Contract to a Proposer, any unsuccessful Proposer may seek judicial review of the final agency action of NJ TRANSIT by filing the appropriate appeal with the Superior Court of New Jersey, Appellate Division as provided by R. 2:2-3 (a)(2) of the Rules Governing the Courts of the State of New Jersey and applicable law thereunder.

In the event the service is awarded to NJ TRANSIT Bus Operations, any unsuccessful Proposer may seek judicial review of the final agency action of NJ TRANSIT by filing the appropriate appeal with the Superior Court of New Jersey, Appellate Division as provided by R. 2:2-3 (a)(2) of the Rules Governing the Courts of the State of New Jersey and applicable law thereunder.