

ATTENTION BIDDER/PROPOSER/PRIME

Small Business Enterprise (SBE)/Disabled Veteran-Owned Business (DVOB) Program Update

Effective March 11, 2020, you must not accept a SBE or DVOB certificate or Certification Letter as sole evidence that its SBE or DVOB status is current/valid.

You must check the SBE/DVOB Business Directory (SAVI) at https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp, click on the firm's name to view the Vendor Information page where you must see the SBE and/or DVOB designation located in the Vendor box at the top of the page. You must print this page and submit with all other required SBE/DVOB forms.

A firm must be SBE or DVOB certified and have the SBE or DVOB designation in their profile by the Bid Opening/Proposal due date to be counted as credit toward the contract's assigned SBE/DVOB goal. Firms pending certification will not count toward meeting the assigned goal.

For technical guidance and/or assistance identifying SBE or DVOB firms in the business directory (SAVI) you may contact the Office of Business Development (OBD) representative identified in the Instruction to Bidders/Information for Proposers within the bid/proposal package.

Important Note: firms will still appear in SAVI even if their SBE or DVOB status has been revoked or expired. You must see the SBE or DVOB designation next to their firm name. If you do not see either or both designations, the firm will not satisfy the SBE/DVOB goal assigned to this project.

Mikie Sherrill, Governor
Dr. Dale G. Caldwell, Lieutenant Governor
Priya Jain, Commissioner
Kris Kolluri, President & CEO

TWO GATEWAY
283-299 MARKET STREET
NEWARK, NJ 07102-5310
973-491-7000



**NEW JERSEY TRANSIT
SMALL BUSINESS ENTERPRISE (SBE) / DISABLED VETERAN-OWNED
BUSINESS (DVOB) SET-ASIDE PROGRAM**

ANNOUNCEMENT

TO ALL NJ TRANSIT EMPLOYEES AND THE CONTRACTING COMMUNITY

New Jersey Transit Corporation (NJ TRANSIT) is proud to announce the launch of its new Small Business Enterprise (SBE) / Disabled Veteran-Owned Business (DVOB) Set-Aside Program, formerly known as the Small Business Enterprise (SBE) Set-Aside program.

Effective July 1, 2023, this program will allow for Small Business Enterprise (SBE) *and* Disabled Veteran-Owned Business (DVOB) set-asides (subcontracting opportunities or prime contracting opportunities) on State funded projects. State of New Jersey Division of Revenue certified SBEs and DVOBs will be eligible to compete for and satisfy these set-aside opportunities. The intention of this program is to increase the opportunities for all small and disabled veteran-owned businesses to compete for NJ TRANSIT'S State-funded contracts.

NJ TRANSIT will identify contracts that lend themselves to set-asides based on the engineer's estimate and the availability of SBE and DVOB firms in the State's business directory. Contracts with SBE/DVOB set-asides will be clearly marked, and the provisions for satisfying the goal will be indicated. All contractors are expected to read and familiarize themselves with the details of this new program in the bid or proposal package. Full participation on SBE/DVOB set-asides will be mandatory.

This program is part of NJ TRANSIT's ongoing efforts to facilitate, and increase, competition for small and disabled veteran-owned business subcontracting opportunities on public works projects funded by the State of New Jersey. NJ TRANSIT thanks you for the vital role you will play in making this program a success.

A handwritten signature in black ink, appearing to read 'Lisa-Marie Codrington'.

Lisa-Marie Codrington
Sr. Director, Office of Business Development
NJ TRANSIT'S Office of Civil Rights & Diversity Programs

Mikie Sherrill, Governor
Dr. Dale G. Caldwell, Lieutenant Governor
Priya Jain, Commissioner
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Dear Contractor:

NJ TRANSIT's Office of Business Development (OBD) is excited to announce that online payment reconciliation for your contract(s) will be live as of July 1, 2023, on NJ TRANSIT's Compliance Management System (CMS) via the B2GNow on-line portal.

The CMS is active and ready for use. You can access the CMS now at the URL web address <https://njtransit.sbdbe.com>. **For the contract(s) awarded by NJ TRANSIT on or after July 1, 2023**, online payment reconciliation through the CMS will replace the current monthly payment reports – Form E, E1 and E2 which were historically required to be mailed or E-mailed to OBD.

Starting July 1, 2023 (beginning with the June 2023 reporting period), your firm will use the CMS to report monthly payments on your NJ TRANSIT contract(s). **Please note, as a prime contractor/consultant, it is your responsibility to educate your sub-contractors, sub-consultants and suppliers about the system, and to ensure that they are using it to report their monthly payments as well.** You can provide this letter and the information on the next page to your sub-contractors, sub-consultants and suppliers on the contract(s) above, to support them in adjusting to the new process.

After July 1, 2023, OBD will monitor and review the CMS for information on payments to your SBE, DBE, DVOB (certified) and Non-SBE, Non-DBE, Non-DVOB (not certified) subcontracting team. **You must log in to CMS to report and/or confirm your payments by the 21st of each month.** Once you log in and start reporting payments, you will get reminders and updates about due dates and actions to support payment reconciliation reporting, through the system.

NJ TRANSIT's CMS is driven by B2Gnow software. If you have a user account on a B2Gnow system through another transit agency you do business with, it is likely you already have a user account on NJ TRANSIT's CMS to log into. Simply use your same B2Gnow username and password to log into NJ TRANSIT's CMS. If you do not know your username or password or are unsure if you have an account on a B2Gnow system, you can look up your account username via NJ TRANSIT's CMS' search feature.

If you do not have an existing account on a B2Gnow system, you will first need to create one. OBD strongly recommends that first time account users and/or your subs unfamiliar with the B2GNow system, register and attend the "Introduction to the System" and "Contract Compliance Reporting" training sessions available at <https://njtransit.sbdbe.com/> under Help & Support >> Training Classes. All trainings are complimentary and can be reserved based upon your availability. You will also be able to access a "Video Library" of past vendor training sessions to develop your skills. Contact B2Gnow Support with any technical questions.

This online payment reporting, and reconciliation process will allow for easier, faster, and more efficient communication between your firm, your subconsultants and OBD. Your participation is crucial in helping us achieve this goal and we thank you in advance for your cooperation.

Regards,

A handwritten signature in black ink, appearing to read 'Lisa-Marie Codrington'.

Lisa-Marie Codrington,
Senior Director, Office of Business Development (OBD)
Office of Civil Rights & Diversity Programs

Quick Guide Payment Reconciliation/Reporting

Instructions for Utilizing the

NJ TRANSIT Compliance Management System

via B2GNow Online Portal

Here are some important things to keep in mind as we start utilizing the system:

IMPORTANT: If you do not have an existing account on a B2Gnow system, you must create one first. OBD strongly recommends that first time account users and/or your subs unfamiliar with the B2GNow system, **register and attend the “Introduction to the System” and “Contract Compliance Reporting” training sessions available at <https://njtransit.sbdbe.com/> under Help & Support >> Training Classes. All trainings are complimentary and can be reserved based upon your availability.** You will also be able to access a “Video Library” of past vendor training sessions to develop your skills. Contact B2Gnow Support with any technical questions.

1. For the **1st reporting period (July 1 – July 31, 2023), as a Prime Contractor**, you will be required to enter all *paid-to-date* amounts through July 31st for each subcontractor and placing it in the **July 2023 audit reporting period by August 7, 2023**. Payments will be reported **no later than the 7th day of each month for the previous month’s payment activity** moving forward starting with the July 1, 2023, audit reporting period.

2. **Subcontractors** will be required to confirm all cumulative payments received from the Prime through July 31, 2023.

3. For the **1st reporting period (July 1 – July 31, 2023), as a Subcontractor**, you will be required to confirm all *paid-to-date* amounts through July 31st and placing it in the **July 2023 audit reporting period by August 21, 2023**. Payments will be confirmed **no later than the 21st day of each month for the previous month’s payment activity** moving forward starting July 1, 2023.

4. This is an ongoing process, and you will be required to comply with the system audit requests on a monthly basis. The following steps will occur each month:

- Primes will receive a notification to log in and enter the payments made to their Subcontractors.
- Subcontractors will then be notified to log in and *confirm their payment for that audit period.
- **Subcontractors are required to confirm payment within 14 days for each audit period.**

5. **For contracts that awarded to Prime Contractors before July 1, 2023, and are still active**, you will be notified by OBD as to when that contract will be turned on for reporting through B2G. When notified, Prime Contractors will be required to enter cumulative payments made by NJ TRANSIT to the Prime and cumulative payments paid to all SBE, DBE and DVOB subcontractors through the month indicated by the OBD rep.

If you have any technical questions while setting up your login, responding to audits, and/or signing up for training, please contact B2Gnow Customer Support. Audit guides, system manuals are also available under “Help & Support.”

You will receive a reminder letter prior to August 21, 2023, reminding you of this reporting program. Meanwhile, if you have a question about this payment process or your contract details, please contact OBDB@njtransit.com.

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The following pages provide prospective Bidders and Prime Contractors/Consultants (referred to as “Contractors” herein) with information about the New Jersey Transit Corporation (NJ TRANSIT) requirements for this contract, in compliance with the Small Business Enterprise (SBE) program and Disabled Veteran-Owned Business (DVOB) program. While the SBE and DVOB programs and certifications are separate and distinct, this document provides the guidance related to the requirements for both programs, and compliance with both programs will be managed in the manner outlined in this document.

Note: While this document outlines the compliance requirements for both programs, the applicable goal and designation(s) for this contract (SBE, DVOB or both) will be identified by the Contractor Compliance representative assigned to this contract by the Office of Business Development (OBD).

Clarification of these SBE and DVOB (SBE/DVOB) requirements, along with assistance in completing the required forms, can be obtained by calling OBD at (973) 491-7593 and/or by e-mailing OBD at OBDDP@njtransit.com.

The State of New Jersey Department of Treasury provides a searchable directory of all registered and approved SBE and DVOB firms at the website:

https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp

For further assistance determining the certification status of a SBE or DVOB, to apply for SBE/DVOB certification, or for general information about the State of New Jersey’s SBE and DVOB programs, please contact the State of New Jersey’s Division of Revenue and Enterprise Services at 609-292-2146.

These SBE/DVOB specifications are a part of the Contract and shall be binding upon the successful Contractor.

1. SBE AND/OR DVOB GOALS FOR THIS PROJECT

SBE/DVOB GOAL: As an aid in meeting the commitment of its SBE/DVOB program, NJ TRANSIT is setting the target levels of awarding 2% percent of the gross sum amount of the Bid value to SBE and/or DVOB firms in Category 3 or below to perform on this project for credit toward the assigned goal specified in the Invitation for Bid (IFB).

SBE GOAL: As an aid in meeting the commitment of its SBE program, NJ TRANSIT is setting the target levels of awarding _____ percent of the gross sum amount of the Bid value to SBE firms in Category _____ or below to perform on this project for credit toward the assigned goal specified in the Invitation for Bid (IFB).

DVOB GOAL: As an aid in meeting the commitment of its DVOB program, NJ TRANSIT is setting the target levels of awarding _____ percent of the gross sum amount of the Bid value to Category _____ DVOB firms to perform on this project for credit toward the assigned goal specified in the IFB.

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The goal(s) may apply to all options/phases and change orders. However, OBD will, at its sole discretion, determine if future options/phases will require an adjustment to the SBE/DVOB utilization goal(s), to reflect a new goal percentage(s).

2. POLICY

It is the policy of NJ TRANSIT that each small business enterprises or “SBE”, as determined and defined by the New Jersey Department of the Treasury Division of Revenue and Enterprise Services (“the Division”) and in N.J.S.A 52:32-17 et seq., and N.J.A.C. 17:13-1 et seq., or other applicable regulation, shall have the maximum opportunity to participate in NJ TRANSIT contracts.

It is also the policy of NJ TRANSIT that each disabled veteran-owned business or “DVOB”, as determined and defined by the State of New Jersey, Department of the Treasury Division of Revenue and Enterprise Services (“the Division”) and in N.J.S.A. 52:32-31.1 et seq., and N.J.A.C. 17:14-1.1 et seq., or other applicable regulation, shall have the maximum opportunity to participate in NJ TRANSIT contracts.

3. CONTRACTOR SMALL & DISABLED VETERAN-OWNED BUSINESS OBLIGATION

The Contractor agrees to ensure that SBE and DVOB contractors have maximum opportunity to participate in the performance of contracts and subcontracts issued by NJ TRANSIT and financed wholly with 100% State funds. In this regard, the Contractor 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 et seq.; N.J.A.C. 17:14-1.1 et seq., to ensure that SBEs and DVOBs compete for, and perform on, NJ TRANSIT contracts. The Contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of State-funded contracts.

To the extent the Contractor engages subcontractors or sub-consultants or vendors/suppliers to perform services or provide materials for NJ TRANSIT pursuant to this Contract, the Contractor must demonstrate to NJ TRANSIT’s satisfaction that a good faith effort was made to utilize subcontractors and sub-consultants who are registered with the Division as SBE and DVOB firms. **Note: The assigned SBE/DVOB goal can be satisfied by using any combination of SBE or DVOB firms from the NJ SBE and DVOB business directory.** However, a subcontractor, subconsultant or supplier having both a SBE and DVOB certification may only be counted once, either towards a SBE or DVOB goal of a contract, but not towards both at the same time.

This language is included to ensure that all persons who enter into any form of contractual agreement with NJ TRANSIT are aware of their responsibility and the

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commitment of NJ TRANSIT to see that the State's SBE and DVOB Policy is
carried out in all instances.

4. INSTRUCTION TO BIDDERS:

- 1.) The listing of a SBE/DVOB firm by a Contractor on its SBE/DVOB Participation Schedule (Form A) shall constitute representation by the Contractor to NJ TRANSIT that such SBE/DVOB firm(s) is qualified and available, and a commitment by the Contractor that, if awarded the contract, will enter into a subcontract with such SBE/DVOB firm for the portion of the work described in the SBE/DVOB Participation Schedule and at the price set forth in its Bid. *A SBE/DVOB Bidder that lists itself on Form A is committed to performing the work indicated with its own personnel.* The Contractor shall submit all required forms with the bid or within five (5) calendar days after the bid opening due date. **Notwithstanding the date of submission of the mandatory SBE/DVOB forms, all negotiations between a Contractor and any potential SBE/DVOB subcontractor, subconsultant, or supplier shall be completed prior to the bid opening.**
- 2.) The Contractor shall identify all SBE/DVOB and non-SBE/DVOB subcontractors, subconsultants, and suppliers proposed to participate in and those solicited for this Contract, and shall complete and submit the mandatory SBE/DVOB Forms A, A1, A2, and B. The Contractor shall also print and submit the SBE/DVOB firm's current SBE/DVOB Certification Profile from the SBE/DVOB Business Directory SAVI at https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp. All required SBE/DVOB forms and "Certification Profiles" shall be submitted with the Bid or within five (5) calendar days of the bid opening or final cost due date. However, **Contractors are strongly encouraged to submit all mandatory documents with the Bid to prevent delay of the Contract award.**
- 3.) The Contractor is required to review and complete the forms entirely, with no blank fields. **Failure to satisfactorily complete or submit all required documentation and/or demonstrate documented evidence of good faith effort within five (5) calendar days after the bid opening due date shall result in rejection of a Bid as non-responsible.**
- 4.) The Contractor shall submit the required SBE/DVOB documentation with the bid or within five (5) days after the bid opening due date. At a minimum, **FORMS A, A1 and A2 are required no matter what SBE/DVOB goal is assigned.** Contractors utilizing SBE/DVOB firms (identified on FORM A) are required to submit FORM B and a valid SBE/DVOB Certification Profile. FORM D and other required documentation are required as applicable. Note that **all negotiations with SBE/DVOB firms shall be completed prior to bid submission.**
- 5.) No substitutions of or additions to SBE/DVOB firms designated in the Contractor's SBE/DVOB participation schedule (FORM A) may be made without OBD's prior written approval in response to the Contractor's written request.

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- 6.) Agreements between a Contractor and a SBE/DVOB in which the SBE/DVOB promises not to provide subcontracting quotations to other Bidders are prohibited.
- 7.) The Contractor shall, at a minimum, seek SBE/DVOBs in the same geographic area in which it generally seeks subcontractors. If the Contractor cannot meet the goal using SBE/DVOBs from this geographic area the Contractor, as part of its efforts to meet the goal, shall expand its search to a reasonably wider geographic area.
- 8.) A Directory of Small Business Enterprises is available at https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp. All SBE/DVOB firms that can provide proof of registration with the Division are eligible. The Contractor is encouraged to seek out subcontractors and subconsultants from other sources that may be eligible for SBE/DVOB registration and assist them in registering prior to the bid opening due date. All SBE/DVOB firms must be certified with the Division of Revenue and Enterprise Services at the time of bid opening due date. This requirement cannot be waived.
- 9.) Price alone shall not be an acceptable basis for rejecting a SBE/DVOB subcontractor/subconsultant/supplier's bid, quote or proposal unless the Contractor evidences to OBD's satisfaction that no reasonable price could be obtained from the SBE/DVOB firm.
- 10.) The Contractor's desire or preference to perform the work indicated on this project with its own personnel shall not be an acceptable or allowable reason for not being able to meet the assigned SBE/DVOB contract goal.

5. SBE/DVOB PROGRAM REQUIRED FORMS (Pre & Post Award Requirements)

1.) SBE/DVOB FORM A - Small Business Enterprise (SBE) and/or Disabled Veteran Owned Business (DVOB) Utilization:

List all SBE/DVOB firms including vendors/suppliers scheduled to participate in the contract, scope of work to be performed by each and the dollar value. Please make sure all contract values reflect the full compensation to the subcontractor/subconsultant including vendors/suppliers for the identified term of the contract, including all salary increases and adjustments. Additionally, the name of the Contractor's SBE/DVOB liaison officer should be included on this form.

Upon execution of a contract with NJ TRANSIT, the Contractor shall enter into a formal agreement with each of the SBE/DVOB(s) listed on FORM A. There can be no substitutions of any SBE/DVOBs listed on FORM A without prior written request to and receipt of written approval from OBD.

2.) SBE/DVOB FORM A1 - Contractor Solicitation & Contractor Information Log:

List all SBE/DVOB firms and Non-SBE/DVOB firms, including vendors/suppliers,

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participating in this contract as listed on FORMS A and A2; list all SBE/DVOB firms and Non-SBE/DVOB firms solicited for participation that declined, and all SBE/DVOB firms that submitted bid/quotes but failed to reach an agreement.

3.) **SBE/DVOB FORM A2 - Non-SBE/DVOB Subcontractor/Subconsultant Utilization:**

List all Non-SBE/DVOB subcontractors/subconsultants, including vendors/suppliers, participating on the contract.

4.) **SBE/DVOB FORM B - Intent to Perform as A SBE or DVOB Subcontractor/Subconsultant/Supplier:**

For each SBE/DVOB firm listed on FORM A to be utilized on this project, the Contractor shall include a completed and signed FORM B. All information in this form shall be completed by the SBE or DVOB only; Contractor is prohibited from completing any portion of this form. Contractor shall refer to the instructions on the form itself.

5.) **SBE/DVOB FORM D - SBE/DVOB Good Faith Effort: (If Applicable)**

For all SBE/DVOB firms invited to quote, but declined to do so, a FORM D completed and signed by both the contractor and the SBE/DVOB firm shall be submitted. If the SBE/DVOB firm failed to sign the form for any reason, the Contractor shall sign and submit the form unsigned by the SBE/DVOB which will be subject to verification. This form will assist the Contractor in demonstrating a good faith effort to meet the assigned goal.

6. **RESPONSIBLE BIDDER CRITERIA – INCLUDING 100% SET-ASIDE CONTRACTS**

1.) **For 100% Set-Aside Contracts:**

NJ TRANSIT requires that at a minimum each Contractor submit a completed FORMS A, A1 and A2 and a copy of current SBE/DVOB Certification Profile within five (5) days of the date of the Bid opening due date. The FORM A2 is required for all non-SBE/DVOB subcontractors/subconsultants including vendor/suppliers. **Note that any SBE/DVOB firm listed on the FORM A, must complete and sign, the FORM B with no blank fields, which shall also be submitted by the Contractor within five (5) days of the Bid opening due date.** The Contractor is prohibited from completing any information on FORM B.

2.) **For all other contracts:**

The Contractor shall submit fully completed SBE/DVOB FORMS A, A1, A2, B. **The Contractor is prohibited from completing any information on the FORM B.** The FORM A2 is required for all non-SBE/DVOB subcontractors/subconsultants including vendor/suppliers. Additionally, Contractor shall submit any applicable

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supplemental FORM (D). **All required SBE/DVOB forms shall be submitted with the Bid or within five (5) calendar days of the bid opening due date** to the designated Procurement Representative assigned to the project. Contractors are required to review the forms 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/DVOB subcontractor, subconsultant, or supplier shall be completed prior to the bid opening due date.

- 3.) Contractors shall also print and submit a current SBE/DVOB Certification Profile from the SBE/DVOB Business Directory SAVI at https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp. from the Division for all SBE/DVOB subcontractors/subconsultants. **All required SBE/DVOB forms and current SBE/DVOB certification profile printouts shall be submitted with the bid within five (5) calendar days of the bid opening due date** to the designated Procurement Representative assigned to the project.
- 4.) **The following shall result in a rejection of a Bid as non-responsible:**
- Failure to submit any, and all required SBE/DVOB documentation within five (5) calendar days of bid opening due date.
 - Failure to satisfactorily demonstrate good faith efforts to meet the goal. If a Bid/Bidder is deemed non responsible, the Bidder shall be offered the opportunity for administrative reconsideration.
- 5.) If the Contractor submits the SBE/DVOB forms timely, but fails to meet the SBE/DVOB goal, OBD will evaluate the efforts made by the Contractor to demonstrate "Good Faith Effort". Criteria used to evaluate the efforts made to obtain SBE/DVOB participation are outlined in Article 11, "Good Faith Effort Guidance".

7. COUNTING SBE/DVOB UTILIZATION CREDIT

The total dollar value of the contract awarded to the SBE/DVOB shall be counted toward the applicable goal as follows:

- 1.) NJ TRANSIT will count toward the SBE/DVOB contract goal only awards to SBE/DVOBs that perform a commercially useful function in the work of the contract. This means that an SBE/DVOB must be responsible for a distinct element of the work by actually performing, managing, and supervising the work involved.
- 2.) **The SBE/DVOB must perform at least 51% of its contract/subcontract with its own work force. If an SBE/DVOB subcontractor will perform less than 51% of its subcontract, it is presumed the SBE/DVOB is not performing a**

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commercially useful function and the value of the SBE/DVOB subcontract will not be counted. In this situation the Contractor shall not list the SBE/DVOB on the FORM A2 as a NON SBE/DVOB; do not list on the Form A.

- 3.) For SBE/DVOB firms that subcontract a portion of their work to a non-SBE/DVOB, the non-SBE/DVOB portion of the work shall not count as credit toward the SBE/DVOB goal assigned.
- 4.) **Provided the SBE/DVOB subcontract meets the requirements of Paragraph 1 and does not fall under Paragraph 2 above, subcontract awards on the FORM A will count toward 100% of the SBE and/or DVOB goal unless the SBE/DVOB is a supplier or broker (Article 7.5 - 7.6).**
- 5.) Awards on contracts with SBE/DVOB suppliers of materials and supplies will be counted as follows:
 - a. **Sixty percent (60%) of the dollar value of the award** may be counted toward the goal if the **SBE/DVOB supplier is a regular dealer (material supplier) that will only supply materials**, but is not a manufacturer; and
 - b. **One hundred percent (100%) of the dollar value of the award** may be counted toward the goal if the **SBE/DVOB supplier is a manufacturer** (produces materials from raw materials, or substantially alters materials before resale), and
 - c. **One hundred percent (100%) of the dollar value of the award** may be counted toward the goal if the SBE/DVOB **will furnish and install/ deliver** the material or supplies, etc. Furnish and install with a description of the material or supplies to be delivered or installed by the SBE/DVOB supplier, etc. must be identified as such on the Form A and Form B for the respective SBE/DVOB firm(s).
- 6.) Awards to SBE/DVOB suppliers that are not manufacturers or regular dealers/material suppliers are considered Brokers and shall be counted toward the goal as follows:
 - a. **Fees or commissions charged** will be counted toward the goal for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials, or supplies required for performance of the contract.
 - b. If an SBE/DVOB delivers equipment, materials and supplies required on a job site, the delivery fee charged may be counted toward the goal. Where such fees are a part of the SBE/DVOB subcontract amount on a construction job, they have already been applied to the goal and cannot be further counted.

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- c. Fees or commissions charged for providing any bonds or insurance specifically required for the performance of the contract may be counted toward the goal, providing the aforementioned fees or commissions are determined by NJ TRANSIT to be reasonable and not excessive as compared with fees customarily allowed for similar services.
- d. Awards of contracts or subcontracts with businesses that are joint ventures will be counted based on percentage ownership of the eligible SBE/DVOB in the joint venture.

8. POST AWARD OBLIGATIONS

- 1.) After the execution of a contract with NJ TRANSIT, signed copies of subcontract agreements and purchase agreements between the Contractor and SBE/DVOB subcontractors must be submitted to OBD **no later than 10 days after the Contractor's Notice to Proceed (NTP) date.** The Contractor shall inform NJ TRANSIT of the anticipated job start date for all SBE/DVOB subcontractors prior to the subcontractors' start dates.
- 2.) The agreement between the Contractor and subcontractor should remain firm for the duration of the contract. Should any changes that affect the SBE/DVOBs performance and/or compensation be required, OBD must be notified for its review and approval of the changes, prior to their implementation.
- 3.) Whenever NJ TRANSIT issues project change orders the OBD will determine if increased SBE/DVOB participation will be required.
- 4.) If at any time the Contractor believes or has reason to believe that a proposed SBE/DVOB has become unavailable or due to change in ownership or management responsibility does not meet the SBE/DVOB eligibility standards, the Contractor shall, within 10 days, notify NJ TRANSIT of that fact in writing.

Within 15 days thereafter, the Contractor shall, if necessary, to achieve the stated goal, make every reasonable effort to subcontract the same or other work to other SBE/DVOB firms. The Contractor's efforts to replace an unavailable SBE/DVOB firm shall be coordinated with the OBD.

- 5.) Should a SBE/DVOB become ineligible (i.e. decertified) during the course of this contract, effective as of the date of ineligibility, further contractual dollars expended with the SBE/DVOB shall be counted toward the goal as long as the subcontract was executed before the firm became ineligible. Within 15 days after notification by NJ TRANSIT of the SBE/DVOBs ineligibility the Contractor shall make a good faith effort to satisfy the SBE/DVOB goal. The Contractor's efforts to continue to meet the SBE/DVOB goal shall be coordinated with OBD.
- 6.) The Contractor must designate a SBE/DVOB Liaison Officer. The liaison officer will be accountable as the primary point of contact for NJ TRANSIT regarding

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SBE/DVOB subcontract matters.

- 7.) To ensure that all obligations under subcontracts awarded to SBE/DVOBs are met, NJ TRANSIT will review the Contractor's SBE/DVOB utilization during the performance of the contract. The Contractor shall monitor the SBE/DVOB's performance and report data on SBE/DVOB participation to the OBD.
- 8.) The Contractor shall enter monthly payments from NJ TRANSIT and monthly payments made to their SBE/DVOB and Non SBE/Non DVOB subcontractors, subconsultants and suppliers online on NJ TRANSIT's Compliance Management System (CMS) via the B2GNow on-line portal. The Contractor's SBE/ DVOB and Non SBE/DVOB subcontractor, subconsultant and supplier shall confirm receipt of payment in the CMS as required. (See Article 9). **Failure of the Contractor and their SBE/DVOB and Non SBE/Non DVOB subcontractors, subconsultants and suppliers to enter and confirm monthly payments may result in suspension of payments as provided in Article 12, "Audit and Sanctions" below.** If, at any time, NJ TRANSIT has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, it shall refer the matter to the Attorney General of the State of New Jersey for action.
- 9.) The Contractor shall pay each subcontractor under this contract for satisfactory performance of its work no later than ten (10) days from the receipt of each payment the Contractor receives from NJT for the subcontractor's work. **Failure to comply with this requirement shall result in breach of the contract and shall be subject to the appropriate remedies as determined by OBD.**
- 10.) The Contractor shall certify, prior to the issuance of a progress payment by NJ TRANSIT that all subcontractors have been paid any amounts due on past due invoices (greater than 30 days) from previous or current progress payments.
- 11.) The Contractor will not be reimbursed for work performed by subcontractors/subconsultants unless and until the Contractor ensures that the subs are promptly paid for the work performed. Alternatively, if the Contractor withholds payment from the subcontractor/subconsultant, the Contractor shall certify to OBD in writing that a valid basis exists under the terms of the subcontractor's/subconsultant's or supplier's contract to withhold payment from the subcontractor/subconsultant.
- 12.) If the Contractor withholds payment from the subcontractor/subconsultant, the Contractor shall provide to the subcontractor/subconsultant or supplier written notice thereof. The notice shall detail the reason for withholding payment and state the amount of the payment withheld. If a performance/payment bond has been provided under this contract, the Contractor shall send a copy of the notice to the surety providing the bond for the Contractor. A copy of the notice shall also be submitted to NJT with the certification that payments are being withheld.

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- 13.) If the Contractor fails to promptly pay the SBE/DVOB in accordance with the prompt payment of invoices and/or retainage clauses, OBD may request proof of payment to SBE/DVOB(s) for unpaid invoices and/or retainage in order to issue release of current/future payment to Contractor.
- 14.) Failure to comply with the above shall result in breach of the contract and may be subject to the appropriate penalties.

9. **B2G COMPLIANCE MANAGEMENT SYSTEM (CMS) – MONTHLY PAYMENT REPORTING**

Failure to comply shall result in breach of the contract and be subject to the appropriate audit and sanctions or liquidated damages as indicated in **Article 12, “Audits and Sanctions”**.

Monthly payment reporting for Contractors and SBE/DVOB and Non SBE/Non DVOB subcontractors, subconsultants and suppliers is now online on NJ TRANSIT’s Compliance Management System (CMS) via the B2GNow on-line portal. This online payment reporting, and reconciliation process will allow for easier, faster, and more efficient communication between your firm, your subcontractors, subconsultants, suppliers, and OBD. The CMS is active and ready for use. You can access the CMS at the URL web address <https://njtransit.sdbbe.com>.

The Contractor and their SBE/DVOB and Non SBE/Non DVOB subcontractors, subconsultants, and suppliers shall comply with the system audit requests on a monthly basis. **See Article 9.2 Monthly Payment Reporting Guidance**. The following steps will occur each month:

- a) Contractor will receive a notification to log in and enter the payments made to their SBE/DVOB and Non SBE/Non DVOB Subcontractors, subconsultants and suppliers. The Contractor shall include invoice number(s) and date of invoice and corresponding payment application number for each payment as a note.
- b) SBE/DVOB Subcontractors, subconsultants and suppliers and Non SBE/Non DVOB subcontractors, subconsultants and suppliers will then be notified to log in and *confirm their payment for that audit period

***Note:** SBE/DVOB Subcontractors, subconsultants and suppliers and Non SBE/Non DVOB subcontractors, subconsultants and suppliers are required to **confirm payment in CMS within 14 days of the Contractor’s entry** for each audit period.

1.) **B2G CMS REGISTRATION**

NJ TRANSIT’s CMS is driven by B2Gnow software. If you have a user account on

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a B2Gnow system through another transit agency you do business with, it is likely you already have a user account on NJ TRANSIT's CMS to log into. Simply use your same B2Gnow username and password to log into NJ TRANSIT's CMS. If you do not know your username or password or are unsure if you have an account on a B2Gnow system, you can look up your account username via NJ TRANSIT's CMS' search feature.

If you do not have an existing account on a B2Gnow system, you must create an account in preparation for this change in payment reconciliation reporting. OBD strongly recommends that first time account users and/or your subs unfamiliar with the B2GNow system, register and attend the "Introduction to the System" and "Contract Compliance Reporting" training sessions available at <https://njtransit.sbdbe.com/> under Help & Support >> Training Classes. All trainings are complimentary and can be reserved based upon your availability. You will also be able to access a "Video Library" of past vendor training sessions to develop your skills. Contact B2Gnow Support with any technical questions.

If you have any technical questions while setting up your login, responding to audits, and/or signing up for training, please contact B2Gnow Customer Support. Audit guides, system manuals are also available under "Help & Support."

Failure to comply shall result in breach of the contract and be subject to the appropriate audit and sanctions or liquidated damages as indicated in **Article 12**.

2.) **MONTHLY PAYMENT REPORTING GUIDANCE**

Failure to comply with this section shall result in breach of the contract and be subject to the appropriate audit and sanctions or liquidated damages as indicated in **Article 12**.

Contractor's Monthly SBE/DVOB Payment Report (Formerly the FORM E):

This online reporting is required to verify monthly payments made by NJ TRANSIT to the Contractor, even if no payment was made. This online reporting is also required to verify payments made by the Contractor to all SBE/DVOB and all Non SBE/Non DVOB subcontractors, subconsultants including suppliers, even if no payment was made, and shall be entered by the Contractor into the CMS **by the seventh (7th) of each month to begin the month following the Contractor's Notice to Proceed (NTP) date**. You can access the CMS at the URL web address <https://njtransit.sbdbe.com>. See **Article 9.1** for further B2G CMS registration instruction.

SBE/DVOB Prime Contractor's Monthly Payment from NJ Transit Report (Formerly the FORM E1 for use when Bidder/Contractor is a SBE or DVOB):

This online reporting is required to verify payments made by NJ TRANSIT to the or Contractor when the Contractor is a SBE or DVOB. The SBE/DVOB Contractor

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shall enter monthly payments received from NJ TRANSIT into the CMS, even if no payment was made, **by the seventh (7th) of each month to begin the month following the Contractor's Notice to Proceed (NTP) date.** You can access the CMS at the URL web address <https://njtransit.sbdbe.com>. See **Article 9.1** for further B2G CMS registration instruction.

Note: If the Contractor is a SBE or DVOB and is utilizing SBE/DVOB or Non SBE/Non DVOB subcontractors, subconsultants and suppliers on this project, the Contractor shall enter into the CMS all monthly payments made to SBE/DVOB and Non SBE/Non DVOB subcontractors, subconsultants and suppliers, even if no payment was made, **by the seventh (7th) of each month to begin the month following the Contractor's Notice to Proceed (NTP) date.**

The SBE/DVOB and Non SBE/DVOB subcontractor, subconsultant and supplier **shall confirm receipt of payment in the CMS, even if no payment was received, by the 21ST of each month to begin the month following the Contractor's Notice to Proceed (NTP) date.**

Contractor is required to inform the SBE/DVOB and Non SBE/Non DVOB subcontractors, subconsultants and suppliers of this requirement upon award of **the contract to the Contractor** and ensure that they comply on a monthly basis.

SBE/DVOB Subcontractor's Monthly Payment Report – (Formerly the Form E2):

This online reporting is required to verify payments received by the SBE/DVOB subcontractor, subconsultant and supplier from the Contractor. The SBE/ DVOB and Non SBE/DVOB subcontractor, subconsultant and supplier **shall confirm receipt of payment in the CMS by the 21ST of each month, even if no payment was received, to begin the month following the Contractor's Notice to Proceed (NTP) date.** You can access the CMS at the URL web address <https://njtransit.sbdbe.com>. See **Article 9.1** for further B2G CMS registration instruction.

10. ADD, REMOVE, REPLACE SBE/DVOBS GUIDANCE (Applies in Pre and Post Award)

Except as provided herein, the successful Contractor shall have work performed or the materials or supplies furnished only by those SBE/DVOB firms named in the "Schedule of SBE/DVOB Participation – FORM A". However, if NJ TRANSIT finds that the Contractor, upon submission of its bid, committed itself to the goal in good faith, the Contractor may, in "unusual situations", as determined by NJ TRANSIT in its sole discretion be permitted to substitute a subcontractor(s). The term "*unusual situation*" includes but is not limited to an SBE/DVOB subcontractor's or SBE/DVOB joint venture partners:

a) Failure to qualify as an SBE/DVOB or maintain SBE/DVOB certification status.

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- b) Death or physical disability, if the named subcontractor or SBE/DVOB partner of the joint venture is an individual.
- c) Dissolution, if a corporation or partnership.
- d) Bankruptcy of the subcontractor, subject to applicable bankruptcy law, and only in instances where the bankruptcy affects the subcontractor's ability to perform.
- e) Inability to obtain, or loss of, a license necessary for the performance of the particular category of work.
- f) Failure or inability to comply with a requirement of law applicable to the subcontract work.
- g) Material failure to comply with the terms and conditions of the subcontract.
- h) Material failure to successfully perform the subcontract tasks.

A request for substitution of an SBE/DVOB must be put in writing to OBD, with complete justification for the request. Whether the Contractor seeks to make substitution prior to award or during performance, the Contractor must have approval of OBD before substitution of the SBE/DVOB subcontractor is made, regardless of the reason for the substitution. **Failure to obtain written approval from NJ TRANSIT could result in the Contractor being found in breach of the contract.**

11. GOOD FAITH EFFORT GUIDANCE

- 1.) To demonstrate sufficient good faith efforts to meet the SBE/DVOB goal, the Contractor shall provide written documentation of the steps it has taken, prior to the bid opening due date, to obtain SBE/DVOB participation. The Contractor shall meet this requirement in either of two ways:
 - a. The Contractor shall meet the goal, documenting commitments for participation by SBE/DVOB firms as shown by submission of the forms specified in Sections 4, 5 or
 - b. If the Contractor did not meet the goal the OBD will make a fair and reasonable judgment whether the Contractor made adequate good faith efforts. The OBD will consider the quality, quantity, and intensity of the different kinds of efforts that the Contractor has made. The efforts employed by the Contractor should be those that one could reasonably expect a Contractor to take if the Contractor were actively and aggressively trying to obtain SBE/DVOB participation sufficient to meet the SBE/DVOB contract goal. Mere *pro forma* efforts are not good faith efforts to meet the SBE/DVOB contract requirements.

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- 2.) The following actions shall be taken by a Contractor in establishing a good faith effort to solicit and award subcontracts to eligible small businesses:
- a. The Contractor shall request the assistance of OBD in navigating the SBE/DVOB directory to identify SBE and DVOB businesses.
 - b. The Contractor shall actively solicit and shall provide OBD with proof of solicitations of SBE/DVOB's for the provision of services through all reasonable and available means (e.g., attendance at pre-bid meetings, advertisements in general circulation media, professional service publications and small business, Disabled Veteran Owned Business focused media and/or written notices) the interest of all certified SBE/DVOBs who have the capacity to perform the work of the contract. The Contractor must solicit this interest within sufficient time to allow the SBE/DVOBs to respond to the solicitation. The Contractor must take appropriate steps to follow up on initial solicitations in order to determine with certainty if the SBE/DVOB firms are or are not interested.
 - c. The Contractor shall keep a record of its efforts, including the names of businesses contacted, and the means and results of such contacts, as well as records of all requests made to the Division. Adequate records include, without limitation, the names, addresses, and telephone numbers of SBE/DVOBs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; receipts from certified mail and telephone records; evidence of efforts made to identify categories of services to be performed by SBE/DVOB's; and evidence as to why agreements could not be reached for SBE/DVOBs to perform the work.
 - d. The Contractor's ability or desire to perform the work of a contract with its own organization (self-performance) does not relieve the Contractor of the responsibility to meet the goal or demonstrate good faith efforts. To the extent necessary to meet the goal, the Contractor may have to forego work it prefers to self-perform.
 - e. The Contractor shall provide interested SBE/DVOBs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation. The Contractor shall attempt to contact all potential SBE/DVOB subcontractors on the same day and use similar methods to contact them.
 - f. The Contractor shall select portions of the work and categories of services to be performed by SBE/DVOBs in order to increase the likelihood that the SBE/DVOB goal will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate SBE/DVOB participation.

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- g. The Contractor shall attempt, wherever possible, to negotiate prices with potential SBE/DVOB subcontractors that submitted higher than acceptable price quotes. Price alone is not an acceptable reason to reject an SBE/DVOB's quote or to not meet the goal(s) assigned to the contract as long as the price is fair and reasonable compared to industry standard. A Contractor using good business judgment should consider a number of factors in negotiating with subcontractors, including SBE/DVOB subcontractors, and should take a firm's price and capabilities as well as the contract goal(s) into consideration. **However, the fact that there may be some additional costs involved in finding and using SBE/DVOB's is not in itself sufficient reason for a Contractor's failure to meet the contract goal, as long as such costs are reasonable.**
- h. The Contractor shall effectively use the services of available small and disabled veteran business community organizations; small and disabled veteran contractor groups; local, State and Federal small and disabled veteran business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of SBE and DVOBs only.
- i. The Contractor shall submit SBE/DVOB Form Ds for all SBE/DVOB subcontractors solicited that were unavailable to perform the work.

12. AUDIT AND PENALTIES

The Contractor is advised that failure to carry out the requirements of these specifications shall constitute a breach of contract and may result in termination of the contract or such other remedy as NJ TRANSIT deems appropriate. During the performance of the contract and for a period of up to five (5) years following completion of the contract work, NJ TRANSIT may conduct reviews for compliance with the requirements of the SBE/DVOB Program. Such reviews may include the evaluation of monthly reports, desk audits, and site visitations. Where a Contractor or any subcontractor is found to be in noncompliance with the requirements of the SBE/DVOB Program(s) during the performance of the contract, it will be required to take corrective action. If a Contractor found to be in noncompliance does not take corrective action promptly, the following sanctions may be instituted (singularly, in any combination and in addition to any other remedies provided by law):

- NJ TRANSIT may withhold further payments under the contract.
- The Contractor may be ordered to stop work without penalty to NJ TRANSIT.
- The contract may be terminated for breach.
- Suspension or debarment proceedings may be commenced in accordance

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with New Jersey law.

- The relevant performance bond(s) may be enforced.

13. NJ TRANSIT PARTICIPATION GOALS

- 1) Construction-Related Services Contracts/Subcontracts (including design services, such as architectural, engineering and construction management services, that are performed as part of a construction project).

No goal is applicable to construction-related services.

- 2) Professional Services (with the exception of those professional services deemed to be construction-related, all services that are of a professional nature and requiring special licensing, education degrees and/or very highly specialized expertise, including accounting and financial services, advertising services, laboratory testing services; legal services; management consulting services; technical services and training).

African Americans -- 2.47%

Asian Americans -- 1.47%

Hispanics -- 1.1%

Native Americans -- 0.07%

Caucasian Females -- 3.74%

- 3) Other Services (any service that is labor-intensive and neither professional nor construction-related, including, but not limited to equipment rental; janitorial and maintenance services; landfill services; laundry and dry cleaning; maintenance and repairs; printing; real property services; security services; special department supplies; subsidy, care and support; telecommunications; and temporary help).

African Americans -- 1.22%

Asian Americans -- 0.85%

Hispanics -- 0.67%

Native Americans -- 0.05%

Caucasian Females -- 1.96%

- 4) Goods and Commodities (equipment and consumable items purchased in bulk, or a deliverable product including, but not limited to automobiles and equipment; chemicals and laboratory supplies, construction materials and supplies; equipment parts and supplies; fuels and lubricants; janitorial and cleaning supplies; office equipment; office supplies; radio equipment; special department supplies; technical supplies; tires and tubes; traffic signals; and uniforms).

African Americans -- 2.71%

Asian Americans -- 1.74%

Hispanics -- 1.32%

Native Americans -- 0.10%

Caucasian Females -- 4.45%

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14. DEFINITIONS

- 1.) "Consultant" means a provider of technical and professional services.
- 2.) "Contractor or Prime" means any party (Contractor, Consultant, Bidder or Proposer) performing or offering to perform a consultant contract, construction contract, a party providing non-professional services, or any party providing materials or goods to NJ TRANSIT.
- 3.) "Disabled Veteran Owned-Businesses (DVOB)" New Jersey disabled veteran business assistance program's criteria set forth in N.J.S.A. 52:32-31, et seq. ("Disabled Veteran-Owned Business Assistance Act") is as follows:

"Disabled Veteran" means a resident of this State who is certified by the federal Department of Veterans' Affairs as having any degree of service-connected disability. "Disabled Veterans-owned business" means a business that:

 - 1) Has its principal place of business in the State, is independently owned and operated and at least 51% of the business is owned and controlled by persons who are disabled veterans; or
 - 2) Is a business which has its principal place of business in this State and has been officially verified by the United States Department of Veterans Affairs as a service-disabled veteran-owned business for the purposes of department contracts pursuant to Federal law.
- 4.) "Division of Revenue and Enterprise Services" means the State agency within the Department of the Treasury that administers the registration and certification of Small and Disabled Veteran-Owned Business Enterprises.
- 5.) "Goal" means the statutorily determined percentage of contracting dollars awarded by NJ TRANSIT to eligible small businesses (SBE) and/or disabled veteran-owned businesses (DVOB) in order to comply with the small business and disabled veteran-owned provisions of the Set-Aside Act.
- 6.) "Registration" means the process by which any business can have its eligibility for participation in the Division of Division of Revenue and Enterprise Services small business or disabled veteran-owned business programs determined.
- 7.) "Set-Aside Contract" means a contract specifically designated by NJ TRANSIT as exclusively available for award to eligible small (SBE) and/or disabled veteran-owned business (DVOB).
- 8.) "Small Business Enterprise (SBE)" means a business which has its principal place of business in the State, is independently owned and operated, has no more than 100 full-time employees, and has gross revenues that do not exceed either \$12 million or the applicable annual revenue standards set forth in 13 CFR 121.201, as may be adjusted periodically, whichever is higher and satisfies any other eligibility

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standards set forth in N.J.A.C 17:14-1.1et seq.

- 9.) "Subcontractor" or "Subconsultant" or "Supplier" means a third party that is engaged by a contractor or consultant to perform all or part of the work or to provide supplies, materials or equipment included in a construction-related contract with NJ TRANSIT.
- 10.) "Target" means the numerical objectives, which NJ TRANSIT establishes, on a contract-by-contract basis, in order to meet its small business goal.

rev 3.18.2021 DVOB
rev 3.11.20 Vendor Profile page;
Revised Nov 12, 2012 Updtd 8.28.17 (5 days);
Tjw worton 11.12.12 OSC 7.3.14 lmc 5.22

Contractor Checklist (for State Funded IFB/RFP)

Bidders are strongly encouraged to submit all mandatory documents with the Bid to prevent delay of the Contract award. Bidders are requested to review carefully, complete the forms entirely, with no blank fields. Notwithstanding the date of submission of the mandatory SBE/DVOB forms and documents, all negotiations between a Bidder and any potential SBE and/or DVOB subcontractor, subconsultant, or supplier shall be completed prior to the Bid due date.

Note: Failure to complete and submit any required SBE/DVOB forms and documentation **with the Bid or within five (5) calendar days of the Bid due date** shall result in a rejection of a Bid as non-responsible.

Required Forms and Documents

- ☐ Form A - SBE and/or DVOB Utilization
- ☐ Form A1 – Contractor Solicitation and Contractor Information Log
- ☐ Form A2 - Non-SBE/DVOB Subcontractor/Subconsultant/Supplier Utilization
- ☐ Form B - Intent to Perform as a SBE or DVOB
Subcontractor/Subconsultant/Supplier
- ☐ Form D – SBE/DVOB Good Faith Effort (if applicable)
- ☐ Copy of SBE/DVOB Vendor Information web page for each SBE and/or DVOB identified on the Form A (see Pre-bid Instruction section)

For 100% SBE/DVOB Set-Aside Contracts

- ☐ Form A - SBE and/or DVOB Utilization
- ☐ Form A1 – Contractor Solicitation and Contractor Information Log
- ☐ Form A2 - Non-SBE/DVOB Subcontractor/Subconsultant Utilization
- ☐ Copy of SBE/DVOB Vendor Information web page for each SBE or DVOB identified on the Form A (see Pre-bid Instruction section)
- ☐ Form B - Intent to Perform as a SBE or DVOB
(Subcontractor/Subconsultant/Supplier) – only applicable only if using SBE or DVOBs

NJ TRANSIT – SBE / DVOB FORM A
Small Business Enterprise (SBE) and/or Disabled Veteran Owned Business (DVOB) Utilization

NJT Contract Number: _____ Assigned SBE /DVOB Goal (%): _____ Contract Value (\$): _____

NJT Contract Specialist: _____ Prime Contractor's Liaison Officer: _____ Project Title: _____ Project County: _____

**** The assigned SBE/DVOB goal can be satisfied by using any combination of SBE or DVOB firms from the NJ SBE and DVOB business directory ****

NAME AND ADDRESS OF SBE AND/OR DVOB SUB(S)	IS SUB or VENDOR/SUPPLIER SBE OR DVOB IN NJ SAVI DIRECTORY? Please indicate their Category		SCOPE OF WORK TO BE PERFORMED <i>Detailed scope of work required. One- or two- word descriptions are <u>NOT PERMISSABLE</u>.</i>	DOLLAR AMOUNT OF SUB- CONTRACTOR WORK	SUB- CONTRACT PERCENT
	SBE Category _____	DVOB Category _____		\$	%
	SBE Category _____	DVOB Category _____		\$	%
	SBE Category _____	DVOB Category _____		\$	%
Note: Bidder must write None for Name of SBE/DVOB, \$0, and %0 when <u>not</u> utilizing SBE/DVOB subs. The word N/A or Not Applicable is NOT PERMISSABLE.	For SBE/DVOB suppliers, show original subcontract value multiplied by 60% (\$2,000*60%=\$1200). For SBE/DVOB portion of work, subtract Non-SBE/DVOB portion of work from original subcontract value.		TOTALS	\$	%

The undersigned will enter into a formal agreement with the SBE(s) and/or DVOB(s) listed in this schedule conditioned upon execution of a contract with NJ TRANSIT for the above referenced project. **SBE and/or DVOB status must be valid at the time of the Bid Opening**. The undersigned understands that removal/replacement of the SBE(s) and/or DVOB(s) listed is **NOT PERMISSIBLE** for any reason (pre or post-award), without first submitting a written request to the Office of Business Development (OBD) and receiving **WRITTEN APPROVAL** from OBD. Failure to obtain written approval shall result in the breach of the contract and subject to corrective action to be determined by NJ TRANSIT.

The SBE/DVOB status of the firms listed were verified on the State of NJ Business Directory (SAVI) website. The Certification Profile(s) for each firm listed does indicate 'SBE' and/or 'DVOB' next to the firm's name. The Certification Profile(s) were printed from the Business Directory website and are enclosed with this form as per the requirements of the bid/proposal.

Authorized Signature: _____ Company Name: _____

Print Name: _____ Title: _____ Fed Tax ID #: _____

Company Phone #: _____ Company Address: _____ Date Signed: _____

CONTRACTOR SOLICITATION & CONTRACTOR INFORMATION LOG - FORM A1

NJT Contract #: _____ Project Title: _____ Prime Contractor: _____

Date: _____

Complete the information below for Bidder(s)/Proposer(s)/Prime(s) working on this project. Use Page 2 for all subcontractors/subconsultants

	Bidder/Proposer/Prime	Bidder/Proposer/Prime	Bidder/Proposer/Prime
Company's Full Name			
Company's Business Address			
City			
State			
Zip			
County			
Phone# and Extension			
Fax #			
E-mail			
Owner Name			
Date Business Established			
Certification Status: SBE, DVOB or Neither (Please indicate all that apply)			
SBE/DVOB Category: 1, 2, 3, and/or 4, 5, 6 (Please indicate all that apply)			
Original SBE Certification Date			
Original DVOB Certification Date			
Ethnicity			
Gender			
Federal Tax ID # / SSN #			
Primary NAICS Code:			

BIDDER SOLICITATION & CONTRACTOR INFORMATION LOG - FORM A1

NJT Contract #: _____ Project Title: _____ Prime Contractor: _____

Date: _____

COMPLETE THE INFORMATION BELOW FOR "**ALL**" FIRMS, INCLUDING SUPPLIERS SOLICITED, INCLUDING THOSE THAT **WILL & WILL NOT WORK** ON THIS PROJECT.

	Subcontractor/Subconsultant	Subcontractor/Subconsultant	Subcontractor/Subconsultant
Company's Full Name			
Company's Business Address			
City			
State			
Zip			
County			
Phone # and Extension			
Fax #			
Cell Phone #			
E-mail			
Owner Name			
Date Business Established			
Certification Status: SBE, DVOB or Neither (Please indicate all that apply)			
SBE/DVOB Category: 1, 2, 3, and/or 4, 5, 6 (Please indicate all that apply)			
Original SBE Certification Date			
Original DVOB Certification Date			
Ethnicity			
Gender			
Federal Tax ID # / SSN #			
Primary NAICS Code:			

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NON SBE AND/OR NON DVOB SUBCONTRACTOR / SUBCONSULTANT / SUPPLIER UTILIZATION - FORM A2**Directions: To be completed for "all" Non-SBE & Non-DVOB subs including suppliers participating on this contract.**

NJ Transit Contract No: _____ Project Title: _____ Assigned SBE/DVOB Goal: _____%

Prime Name: _____ *Prime's Contract Value: _____ Date: _____

*(*should include option years)*

Name, Address and Telephone # of all Subcontractor/Subconsultants/Suppliers	FEIN #	Provide Detailed Scope of Work to be Performed	Dollar Amount of Subcontractor/Sub-consultant Work (\$) Awarded	Percentage of Subcontract or Work (%)
			\$	%
			\$	%
			\$	%
			\$	%
			\$	%
Must provide a detailed scope of work; one-word descriptions are not acceptable.		TOTALS	\$	%

INTENT TO PERFORM as a SBE or DVOB SUBCONTRACTOR/SUBCONSULTANT/SUPPLIER - FORM B

DIRECTIONS: SBEs and/or DVOBs listed on the Form A must complete all information on this form. The Bidder/Proposer/Prime is prohibited from completing any portion of this form and shall direct the DBE to sign a blank or prefilled form.

Name of Prime Contractor:

Name of SBE or DVOB Firm:

Project Name: _____ IFB/RFP Contract Number: _____

Does the undersigned SBE or DVOB? (Answer accordingly and provide %)

Intend to perform subcontract work on this project as a Joint-Venture? **Circle one. (Yes or No)**

Intend to subcontract a portion of my scope of work to a SBE/DVOB(s). **Circle one. (Yes or No)**

If yes, at what percent to SBE? % *If yes, at what percent to DVOB?* %

Intend to subcontract a portion of my scope of work to a Non-SBE/DVOB(s). **Circle one. (Yes or No)**

If yes, at what percent? %

Did you base the below scope of work, subcontract value and/or quantities on detailed project specs received from the Bidder/Proposer/Prime named above? **Circle one. (Yes or No)**

The undersigned will perform the following described work on the above-referenced project: (Provide a detailed description (not one- or two-word descriptions) of the type of work you will perform on your subcontract). Suppliers must identify the material/quantities, etc. being supplied. Attach a copy of quote approved and signed by Bidder/Proposer/Prime. (Copy of quote is optional)

Total Dollar Value of the SBE's or DVOB's Subcontract: \$ _____

Total Quantity/Units (if applicable): _____ Per Unit Cost (if applicable): \$ _____

The Prime Contractor projects the SBE or DVOB's work may start and end on the following dates:

SBE/DVOB Subcontract Start Date: _____ SBE/DVOB Subcontract End Date: _____

The undersigned DBE will enter into a formal agreement for the above work with the Prime Contractor conditioned upon execution of a contract with NJ TRANSIT. As a DBE subcontractor, I will cooperate with the certification, compliance and monitoring process set forth by NJ TRANSIT. I attest that I will perform at least 51% of my subcontract with my own workforce for the referenced project.

Signature of 1st Tier SBE or DVOB (sign on line above)

Title (enter on line above)

Print Name (print on line above)

Telephone # (enter on line above)

Date: _____

Failure to adhere to these instructions or the falsification of any information on this form shall result in breach of contract and subject to the appropriate penalties to be determined by NJ TRANSIT.

NJ TRANSIT - SBE/DVOB GOOD FAITH EFFORT- FORM D

IFB/RFP Number: _____

Project Title: _____

Bidder/Proposer/Prime Contractor Name: _____

Address: _____

Phone: _____ Email: _____

Date Signed: _____

The following is a list of the types of actions that may be considered good faith efforts. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases, however, please check all that apply in this instance. Please provide documentation for ALL instances selected.

- ☐ Selected portions of work to be performed by SBEs and/or DVOBs and, where appropriate, broke down contracts into economically feasible units to facilitate SBE and/or DVOB participation.
- ☐ Provided interested SBE and/or DVOB with adequate information about plans, specifications, and requirements of the contract.
- ☐ Negotiated in good faith with interested SBEs and/or DVOBs, not rejecting SBEs and/or DVOBs as unqualified without sound reasons based on a thorough investigation of their capabilities.
- ☐ Made efforts to assist interested SBEs and/or DVOBs in obtaining bonding, lines of credit, or insurance required by NJ Transit or Bidder.
- ☐ Made efforts to assist interested SBEs and/or DVOBs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- ☐ Advertised subcontracting opportunities in appropriate media. (e.g., industry newspapers, webinars, local small business support centers)
- ☐ Used the services of minority organizations, minority contractors' groups, local state and federal minority business assistance offices and other organizations that provide assistance, in identifying subcontractors.
- ☐ Provided written notice to SBEs and/or DVOBs in sufficient time to allow the SBEs and/or DVOBs to respond. (Provide copy of documentation with Page 2.)
- ☐ Followed up initial solicitation of interest by contacting SBEs and/or DVOBs to determine interest. (Provide proof of follow up with Page 2.)

Describe any other efforts not covered above that may indicate Good Faith Efforts to obtain SBE/DVOB participation on this project and provide documentation.

SBE/DVOB GOOD FAITH EFFORT- FORM D

NJT Contract #: _____ Project Title _____

If the dollar value of the goal for SBE OR DVOB participation in this project has not been met, the Bidder/Proposer/Prime is required to complete the following questions to describe efforts to obtain SBE OR DVOB participation. Copies of correspondence, return receipts, telephone logs, or other documentation will be required to support good faith efforts. Please provide information for each SBE or DVOB.

I, _____, _____
(Name) (Title)

of _____ certify that on _____, I contacted the below named SBE/DVOB firm to
(Bidder/Proposer/Prime) (Date)

obtain a Bid/Proposal for work items to be performed or materials supplied on the Project named above.

SBE or DVOB (Please Circle One): _____;
Firm Name

Name of person I spoke with: _____ and Title: _____

Type of work requested to be performed: _____

Method(s) of Initial Contact: ☐ Phone ☐ Fax ☐ Mail ☐ Email

Follow Up Date(s) Contacted: _____ Method(s) of Follow Up: _____

To the best of my knowledge and belief, said SBE/DVOB was unavailable for work on this project and was unable to prepare a bid for the following reason(s):

- ☐ No response
- ☐ Not interested: Indicate Reason(s) _____
- ☐ Unacceptable Sub Bid: Indicate Reason(s) _____

Please note: Unless the price difference is excessive or unreasonable, incurring additional costs in finding and/or using a SBE/DVOB is not a sufficient reason to reject a SBE/DVOB's quote/proposal.

The above statement is a true and accurate account of my solicitation efforts with the SBE or DVOB firm.

Signature of Bidder/Proposer/Prime

Date

(Below is to be signed by SBE OR DVOB firm only)

The above statement is a true and accurate account of why I did not submit a bid/quote on this project.

SBE or DVOB Firm Name

Print Name of Person Who Declined

Firm Address

Signature of Person Who Declined

Telephone #: ()

Title of Person Who Declined (Date)