

*William Paterson University of New Jersey***PROJECT NAME:****Recreation and Health Sciences Center Renovations and Addition****PROJECT NUMBER:****WP-23-01-29****SUPPLEMENTAL INSTRUCTIONS FOR BIDDING AND  
COMPLETING FORMS**

- A) All work defined in the contract documents is for the Recreation and Health Sciences Center Renovations and Addition – WP-23-01-29. All work is to be completed as noted in the Time for Completion, Section E of these Supplemental Instructions. Bidders are also to reference the Instructions to Bidders and General Conditions documents, also issued as part of this bid, for further details, requirements, and information.

- B) Prequalification:

Bidders for this project are required to be New Jersey DPMC classified C009 General Construction/Alterations and Additions at the time of bid. Bidders must possess the available bonding capacity consistent with the Prequalification Statute (N.J.S.A.52:35-1 et seq.) to have their bids considered.

All required major subcontractors, if intended to be used, shall be named by each bidder in the appropriate spaces on the Bid Form. Such named intended major subcontractors shall become the actual subcontractors for the work identified, in the event the bidder is successful in being awarded a contract. No substitution of a major subcontractor shall be made unless the contractor receives approval in writing by the Contracting Officer.

Due to the intricacies of the building's interior, a Pre-Bid Meeting and Site Inspection is scheduled for this bid. The University strongly recommends bidders attend the event. This will ensure that all interested bidders have an equitable opportunity to make a thorough and complete examination of the construction site and to understand the site landscape in order to submit a detailed proposal that accurately reflects the scope of work and which provides the University the information to equitably evaluate the proposals.

- C) Bidders shall provide documents as required by the Bid Document Checklist and forms included therein.

- D) Form Requirements:

1. Forms are to be signed by Principal of the firm where signatures are called for.
2. Forms are to be notarized where called for.
3. Forms are to be sealed where called for. (Note – when a corporation, seal locations are in bold)

E) Time for Completion and Sequence of Operations:

The anticipated contract award will be on or about **May 1, 2025**. Onsite work can commence after **May 21, 2025**. All work is to be substantially completed not later than **May 21, 2027**. All remaining work completed by not later than **July 21, 2027**.

F) Modify General Conditions as follows:

Articles 5.27.4, 5.27.5 and 5.27.7 Not used

Article 5.27.14 Not used

Article 6.1.3 Not used

Article 8.7.1 Modify as follows: Liquidated damages shall be \$1,000.00 per calendar day.

G) Award is contingent upon the selected bidder executing the University's standard contract for construction, which can be accessed at <https://www.wpunj.edu/capital-planning/contracts-and-forms.html>

Award is also contingent upon the contractor entering an agreement with the Passaic County Building and Construction Trades Council, AFL-CIO as part of project's labor agreement (PLA). The PLA and Passaic County Prevailing Wage rates have been included as Reference Documents on the project <http://www.wpunj.edu/capital-planning/rfp.html> webpage.

H) BIDDER'S SUPPLEMENTARY INFORMATION (Upon request of the University only, after initial bid submission)

1. Identify projects of similar scope to this project completed in the last 3 years of at least \$2 Million in contract value. For each identify the following:

- A) Contracted Completion Date
- B) Value of Work in Contract
- C) Relationship with Property Owner (prime, subcontractor, material supplier)
- D) Owner Contact
- E) Location of Project

2. List the type of work normally performed with your own forces.

I) Buy American

N.J.S.A. 52 :33-2 Only domestic materials to be used on public works; exception (Buy American) Notwithstanding any inconsistent provision of any law, and unless the head of the department, or other public officer charged with the duty by law, shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only domestic materials shall be acquired or used for any public work.

This section shall not apply with respect to domestic materials to be used for any public work, if domestic materials of the class or kind to be used are not mined, produced or manufactured, as the case may be, in the United States in commercial quantities and of a satisfactory quality.

J) Federal Debarment Certification N.J.S.A. 52:32-44.1

1. Any person that is debarred at the federal level from contracting with a federal government agency shall be debarred from contracting for any public work in this State.
2. Any affiliate of a person debarred at the federal level from contracting with a federal government agency shall be debarred from contracting for any public work in this State.
3. Prior to awarding any contract for public work, a person shall provide written certification to the contracting agency that neither the person nor the person's affiliates are debarred at the federal level from contracting with a federal government agency. The contracting agency shall not make, negotiate, or award a contract for public work to any person that does not provide such written certification as required by this subsection. The contracting agency shall verify the certification by consulting the federal System for Award Management, or its successor, prior to awarding a contract for public work.
4. In situations of an emergent nature, a contracting agency may enter into a contract with a person, provided that the person agrees to provide the written certification required pursuant to subsection 3. of this section within two weeks of the execution of the contract. The contracting agency shall not make final payment to the person until such time as the person provides the written certification. Failure to pay the person until the written certification is received shall not be grounds for the agency being liable for payment.

**Prior to contract award the Bidder is required to complete and submit the Federal Non-Debarment Certification form included in this bid package.**

K) Anti-Discrimination

All parties to any contract with William Paterson University agree not to discriminate in employment and agree to abide by all anti-discrimination laws including those contained in N.J.S.A 10:2-1 through 10:2-4, N.J.S.A. 10:5-1 et seq. and N.J.S.A. 10:5-31 through 10:5-38, and all rules and regulations issued thereunder.

Exhibit B will be an attachment to the contract awarded as a result of this bid.

**EXHIBIT B**

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**

**N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127)**

**N.J.A.C. 17:27-1.1 et seq. CONSTRUCTION CONTRACTS**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will

ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer, pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

When hiring or scheduling workers in each construction trade, the contractor or subcontractor agrees to make good faith efforts to employ minority and women workers in each construction trade consistent with the targeted employment goal prescribed by N.J.A.C. 17:27-7.2; provided, however, that the Dept. of LWD, Construction EEO Monitoring Program, may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by the following provisions, A, B, and C, as long as the Dept. of LWD, Construction EEO Monitoring Program is satisfied that the contractor or subcontractor is employing workers provided by a union which provides evidence, in accordance with standards prescribed by the Dept. of LWD, Construction EEO Monitoring Program, that its percentage of active "card carrying" members who are minority and women workers is equal to or greater than the targeted employment goal established in accordance with N.J.A.C. 17:27-7.2. The contractor or subcontractor agrees that a good faith effort shall include compliance with the following procedures:

(A) If the contractor or subcontractor has a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three business days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with the rules promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et. seq., as supplemented and amended from time to time and the Americans with Disabilities Act. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five business days prior to the commencement of construction work, the contractor or subcontractor agrees to afford equal employment opportunities minority and women workers directly, consistent with this chapter. If the contractor's or subcontractor's prior experience with a construction trade union, regardless of whether the union has provided said assurances, indicates a significant possibility that the trade union will not refer sufficient minority and women workers consistent with affording equal employment opportunities as specified in this chapter, the contractor or subcontractor agrees to be prepared to

provide such opportunities to minority and women workers directly, consistent with this chapter, by complying with the hiring or scheduling procedures prescribed under (B) below; and the contractor or subcontractor further agrees to take said action immediately if it determines that the union is not referring minority and women workers consistent with the equal employment opportunity goals set forth in this chapter.

(B) If good faith efforts to meet targeted employment goals have not or cannot be met for each construction trade by adhering to the procedures of (A) above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor agrees to take the following actions:

- (1) To notify the public agency compliance officer, the Dept. of LWD, Construction EEO Monitoring Program, and minority and women referral organizations listed by the Division pursuant to N.J.A.C. 17:27-5.3, of its workforce needs, and request referral of minority and women workers;
- (2) To notify any minority and women workers who have been listed with it as awaiting available vacancies;
- (3) Prior to commencement of work, to request that the local construction trade union refer minority and women workers to fill job openings, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade;
- (4) To leave standing requests for additional referral to minority and women workers with the local construction trade union, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State Training and Employment Service and other approved referral sources in the area;
- (5) If it is necessary to lay off some of the workers in a given trade on the construction site, layoffs shall be conducted in compliance with the equal employment opportunity and non-discrimination standards set forth in this regulation, as well as with applicable Federal and State court decisions;
- (6) To adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:
  - (i) The contractor or subcontractor shall interview the referred minority or women worker.
  - (ii) If said individuals have never previously received any document or certification signifying a level of qualification lower than that required in order to perform the work of the construction trade, the contractor or subcontractor shall in good faith determine the qualifications of such individuals. The contractor or subcontractor shall hire or schedule those individuals who satisfy appropriate qualification standards in conformity with the equal employment opportunity and non-discrimination principles set forth in this chapter. However, a contractor or subcontractor shall determine that the individual at least possesses the requisite skills, and experience recognized by a union, apprentice program or a referral agency, provided the referral agency is acceptable to the Dept. of LWD, Construction EEO Monitoring Program. If necessary, the contractor or subcontractor shall hire or schedule minority and women workers who qualify as trainees pursuant to these rules. All of the requirements, however, are limited by the provisions of (C) below.

(iii) The name of any interested women or minority individual shall be maintained on a waiting list, and shall be considered for employment as described in (i) above, whenever vacancies occur. At the request of the Dept. of LWD, Construction EEO Monitoring Program, the contractor or subcontractor shall provide evidence of its good faith efforts to employ women and minorities from the list to fill vacancies.

(iv) If, for any reason, said contractor or subcontractor determines that a minority individual or a woman is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing of the reasons for the determination, maintain a copy of the determination in its files, and send a copy to the public agency compliance officer and to the Dept. of LWD, Construction EEO Monitoring Program.

(7) To keep a complete and accurate record of all requests made for the referral of workers in any trade covered by the contract, on forms made available by the Dept. of LWD, Construction EEO Monitoring Program and submitted promptly to the Dept. of LWD, Construction EEO Monitoring Program upon request.

(C) The contractor or subcontractor agrees that nothing contained in (B) above shall preclude the contractor or subcontractor from complying with the union hiring hall or apprenticeship policies in any applicable collective bargaining agreement or union hiring hall arrangement, and, where required by custom or agreement, it shall send journeymen and trainees to the union for referral, or to the apprenticeship program for admission, pursuant to such agreement or arrangement. However, where the practices of a union or apprenticeship program will result in the exclusion of minorities and women or the failure to refer minorities and women consistent with the targeted county employment goal, the contractor or subcontractor shall consider for employment persons referred pursuant to (B) above without regard to such agreement or arrangement; provided further, however, that the contractor or subcontractor shall not be required to employ women and minority advanced trainees and trainees in numbers which result in the employment of advanced trainees and trainees as a percentage of the total workforce for the construction trade, which percentage significantly exceeds the apprentice to journey worker ratio specified in the applicable collective bargaining agreement, or in the absence of a collective bargaining agreement, exceeds the ratio established by practice in the area for said construction trade. Also, the contractor or subcontractor agrees that, in implementing the procedures of (B) above, it shall, where applicable, employ minority and women workers residing within the geographical jurisdiction of the union.

After notification of award, but prior to signing a construction contract, the contractor shall submit to the public agency compliance officer and the Dept. of LWD, Construction EEO Monitoring Program an initial project workforce report (Form AA-201) electronically provided to the public agency by the Dept. of LWD, Construction EEO Monitoring Program, through its web-site, for distribution to and completion by the contractor, in accordance with N.J.A.C. 17:27-7. The contractor also agrees to submit a copy of the Monthly Project Workforce Report once a month thereafter for the duration of this contract to the Dept. of LWD, Construction EEO Monitoring Program, and to the public agency compliance officer.

The contractor agrees to cooperate with the public agency in the payment of budgeted funds, as is necessary, for on-the-job and/or off-the-job programs for outreach and training of minorities and women.

(D) The contractor and its subcontractors shall furnish such reports or other documents to the Dept. of LWD, Construction EEO Monitoring Program as may be requested by the Dept. of LWD,

Construction EEO Monitoring Program from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Dept. of LWD, Construction EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

**Following Contract Award the Bidder is required to complete and submit form AA-201, which is included in this bid package.**

L) Diane B. Allen Equal Pay Act

Pursuant to N.J.S.A. 34:11-56.14, a contractor performing “qualifying services” or “public work” to the State or any agency or instrumentality of the State shall provide the Commissioner of Labor and Workforce Development a report regarding the compensation and hours worked by employees categorized by gender, race, ethnicity, and job category.

For more information see <https://nj.gov/labor/equalpay/equalpay.html>.

Firms receiving a contract award issued by the University must complete the applicable report and submit the report to the State of New Jersey as indicated on the form. Do not send completed reports to the University.

Following contract award the Bidder is required to complete and submit the Payroll Certification for Public Works Projects (Form MW-562) to the State of New Jersey. The form is included in this bid package.

M) Disclosure of Investment Activities in Iran

**Submit completed Certification to the University prior to contract award.**

N) Not required for this bid.

O) Notice For Set-off For State Tax

Pursuant to N.J.S.A. 54:49-19, Whenever any taxpayer under contract to provide goods or services to the State of New Jersey or its agencies or instrumentalities, and including the legislative and judicial branches of State government, or under contract for construction projects of the State of New Jersey or its agencies or instrumentalities, and including the legislative and judicial branches of State government, is entitled to payment for the goods or services or on that construction project and at the same time the taxpayer is indebted for any State tax, the Director of the Division of Taxation shall seek to set off so much of that payment as shall be necessary to satisfy the indebtedness.

P) American with Disabilities Act

The contractor must comply with all provisions of the Americans with Disabilities Act (ADA), P.L. 101-336, in accordance with 42 U.S.C. 12101, et seq.

Q) Annual ELEC Disclosure

Contractor 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 (P.L. 2005, c. 271, section 3 as amended) if the contractor receives contracts in excess of \$50,000 from a public entity in a calendar year. It is the contractor's responsibility to determine if filing is necessary. Failure to so file can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available at [www.elec.state.nj.us](http://www.elec.state.nj.us).

R) Set Asides for Small Business Enterprises-Construction

The University requires bidders to make a **good faith effort** to provide practical opportunities for SBE firms to participate in the performance of this Contract as Subcontractors, consistent with the overall 25% SBE goal established for construction by the New Jersey Commerce and Economic Growth Commission (NJ Commerce), at N.J.A.C.12A:10A-4.-1(a) and Executive Order 71 signed by Governor James E. McGreevy in 2003.

The successful Bidder shall complete the form Schedule of SBE Participation at the conclusion of the contract. This will assist the University in tracking its performance against the goal.

S) Workplace Accountability in Labor List (WALL)

All primary contractors and subcontractors are not made parties to government wide excluded parties list system, and are not named within the Workplace Accountability in Labor List (THE WALL) created by the New Jersey Department of Labor and Workforce Development list pursuant to P.L. 2019, c. 366 (N.J.S.A. 34:1A-1.16)

Prior to contract award The University will validate that the Bidder does not appear on the Workplace Accountability in Labor List (WALL).