



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### OFFICE OF EQUAL OPPORTUNITY AND PUBLIC CONTRACT ASSISTANCE

#### **APPLICANT SPONSOR'S SED UTILIZATION PLAN MANDATORY ITEMS CHECKLIST**

**Applicants are responsible for adherence to all aspects of N.J.A.C. 7:22-9.**

Please complete the below form with the appropriate insertion location(s) of each item.

Where there is not required language, please follow the noted instruction and identify content location.

**\*Verbatim statements are the minimum required details to be inserted into the document. The project sponsor may provide expanded detail(s) as preferred.**

**The Sponsor's SED Utilization Plan must contain the asterisk (\*) items in the noted segments.**

#### **COVER PAGE**

The plan must be separated by a cover page from other document content. Instruction

#### **INTRODUCTION**

1. Required: Detail the funding source and requirement to comply with NJAC 7:22-9.1 et seq. language. \*
2. Articulate the project sponsor's awareness and assurance to provide equal opportunity to SED business concerns.  
Required NJ legislative policy language (N.J.S.A. 52:32-18) which conveys the state's commitment to small business, female business, and minority business concerns. \*

#### **SCOPE AND PURPOSE**

1. Required notation of the statutes which mandate and regulate participation (N.J.A.C. 7:22-9.1) language\*
2. Required SED business concerns language. \*

#### **PROJECT SPONSOR OBLIGATION**

1. Articulate project specific details. Instruction
2. Articulate the Project Sponsor's SED obligation. Instruction
3. Required SED Utilization Goal language\*
4. Articulate how the SED Utilization Goal may be achieved. Instruction
5. Required Contractor's Responsibility SED Utilization Plan language\*
6. Articulate the penalty for lack of submission of a Contractor's Plan. Instruction

#### **DEFINITIONS:**

Required SED N.J.A.C. 7:22-9.2 definitions (Must include verbatim.) Instruction

#### **IN-HOUSE PROCEDURES:**

1. Required Project Compliance Officer Language\* (If applicable.)
2. Articulate Project Compliance Officer Responsibility language (Details must be in the SED Plan.)

**The following forms must be included in the Contract Document/Specifications and applied throughout the duration of the project:**

1. SED Participation Building Phase Quarterly Reporting Form for Contracting Agencies & Contractors  
(OEO- 002)
2. SED Participation Contractor's Quarterly Procurement Activity Form (OEO- 002.CQPA)
3. SED Participation Monthly Progress Report (OEO- 003)

**Please certify the location of the Sponsor's SED Utilization Plan submittal. (Where applicable note N/A.)**

1. The Sponsor's SED Utilization Plan is attached and bound to the Contract document
2. The Sponsor's SED Utilization plan is not bound to the Contract and has been/will be provided separately.



# Sponsor's SED Utilization Plan Index

## COVER PAGE

The Cover Page must specifically include the below components:

1. Sponsor's Name
2. Project Details: Location including County; Project Name; Contract Number; Project Number
3. Preparation Date

## INTRODUCTION

1. The *project sponsor* shall insert into the plan and shall ensure that their contractor(s) include within their subcontract(s) the following language.

*This statement addresses the requirements of NJDEP Municipal Finance and Construction Element and the Office of Equal Opportunity and Public Contract Assistance under N.J.A.C. 7:22-9.6 (b) and 7:22-9.7 (a).*

N.J.A.C. 7:22-3 .17(f)

"In accordance with the provisions of N.J.S.A. 58:11B-26, N.J.A.C. 7:22-3.17(a)24 and 4.17(a)24, the contractor (subcontractor) shall comply with all of the provisions of N.J.A.C. 7:22-9."

2. **New Jersey Legislative Policy Statement (N.J.S.A. 52:32-18) Language:**

"The Legislature declares that the existence of a strong and healthy free enterprise system is directly related to the well-being and competitive strength of small business, female business and minority business concerns and to the opportunity for small business, female business and minority business to have free entry into business, to grow and to expand; and finds that the state must ensure that a fair proportion of the State's total purchases and contracts for construction, property and services if placed with small business, female business, and minority business concerns."

## SCOPE AND PURPOSE

1. **The statutes which mandate and regulate participation (N.J.C.A. 7:22-9.1.(a)) Language:**

"In order to implement the policies established in N.J.S.A. 58:11B-26, 40:11A-41 et seq., and 52:32-17 et seq., N.J.A.C. 7:22-9 subchapter applies to environmental infrastructure projects receiving financial assistance from the Department and the Trust pursuant to N.J.A.C. 7:22-3, 4 and 6 and 7:22A -6 and 7. Under the provisions of N.J.A.C. 7:22-3, 4 and 6 and 7:22A-6 and 7, the Department and the Trust require recipients of Trust and Fund loans and other assistance to establish such programs for socially and economically disadvantaged small business concerns, to designate a project compliance officer, and to submit to the Department and Trust procurement plans for implementing the SED program."

2. **SED business concerns Language:**

"Socially and economically disadvantaged (SED) small business concerns are small businesses owned and controlled by individuals meeting the criteria as noted in N.J.A.C. 7:22-9.2

- Which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; or, in the case of a joint venture, at least 51 percent of the beneficial ownership interests are legitimately held by a SED; and

- Whose management and daily business operations are controlled by one or more socially and economically disadvantaged individuals; and
- Which is a full participation subcontractor in that the SED is responsible for the execution of a distinct element of work and carries out the work responsibility by actually performing, managing and supervising the task involved. Any deviation from this definition will automatically classify the SED as a broker, middleman or passive conduit. These three functions are contrary to the spirit of the Trust Act and will not qualify a SED enterprise for State of New Jersey certification; and
- Which has been certified pursuant to the New Jersey Uniform Certification Act (N.J.S.A. 52:27H-1 et seq.) or pursuant to the provisions of 49 CFR Part 23 by the New Jersey Commerce and Economic Growth Commission, the New Jersey Department of Transportation, the Port Authority of New York and New Jersey, the New Jersey Transit or other agencies deemed appropriate by the Office, as an eligible minority business or female business.”

## **PROJECT SPONSOR OBLIGATION**

1. *Brief description of the project specific work to be performed.*
2. *The project sponsor’s responsibilities and obligations relative to implementing the SED utilization plan throughout the duration of the project must be presented. Refer to N.J.A.C. 7:22-9.1 et seq.*
3. **Required SED Utilization Goal Language**

**To ensure awareness, knowledge, and compliance relative to SED utilization, the recipient shall insert into the plan, and shall ensure that their contractor(s) include within their subcontract(s) the following language:**

*Excerpt from N.J.A.C. 7:22-9.1(a)*

“N.J.A.C. 7:22-3.17(a)24, 4.17(a)24, 6.17(a)24 and 7:22A-2.4(a) provide that a goal of not less than 10 percent be established for the award of contracts to small business concerns owned and controlled by one or more socially and economically disadvantaged individuals. The goal of 10 percent applies to the total amount of all contracts for building, materials and equipment, or services (including planning, design and building related activities) for a construction project.”

**“The project sponsor has identified that the SED utilization goal for this project is: \_\_\_\_\_”**  
*The goal should be stated here.*

**INSTRUCTION:** *Where a local government unit has a SED participation goal which exceeds 10 percent of the total amount of all contracts, the local government unit must comply with both the Department’s rules and the local minority and women-owned business ordinances. The project sponsor must state the identified SED utilization goal for the project.*

4. *The manner by which the project sponsor will engage entities to ensure that the SED Utilization goal may be achieved must be noted. Refer to N.J.A.C. 7:22-9.3 et seq.*
5. **Contractor’s Responsibility SED Utilization Plan Language**

N.J.A.C. 7:22-9.4 (c)

“The Contractor must submit to the project sponsor and to the NJDEP Office of Equal Opportunity and Public Contract Assistance a Contractor’s SED Utilization Plan within 30 days of being awarded the contract. The Contractor’s Plan shall contain provisions to meet the specific SED utilization requirements imposed upon the contractor by the project sponsor as well as to meet the general SED utilization requirements for the project pursuant to N.J.A.C. 7:22-9.”

6. *The penalty imposed upon the contractor for lack of submission of the Contractor's Utilization Plan or failure to comply with N.J.A.C. Title 7:22 Subchapter 9 must be noted. Refer to N.J.A.C. 7:22-9.4 and N.J.A.C. 7:22-9.14*

## **DEFINITIONS**

*Include the most current N.J.A.C. Title 7:22 Subchapter 9 Definitions (7:22-9.2) or indicate by reference the location within the document where entire Title 7:22-9 is presented.*

## **IN-HOUSE PROCEDURES**

### **1. Project Compliance Officer Language**

N.J.A.C. 7:22-9.11(a)

Each project sponsor shall designate an officer or employee to serve as its project compliance officer.

*The name and contact information (including email address) should be stated here if identified by the writing of the Contract document.*

**“The project sponsor has identified that the following individual will serve in the capacity of the Project Compliance Officer for this project: \_\_\_\_\_”**

### **2. Project Compliance Officer Responsibility Instruction**

N.J.A.C. 7:22-9.11(b, c, d)

(b) The project compliance officer shall be responsible for coordinating SED utilization efforts on the project and for monitoring and enforcing compliance with the affirmative action and SED requirements of the applicable program rules.

(c) SED utilization requirements shall be an agenda item at all contract award meetings and, wherever applicable, at preconstruction conference meetings regardless of whether a loan or grant agreement has been executed or not. Each project sponsor shall be responsible for notifying the Office of the time and place of such meetings.

(d) The project compliance officer shall attend all monthly construction progress meetings.



*State of New Jersey*  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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**OFFICE OF EQUAL OPPORTUNITY  
AND PUBLIC CONTRACT ASSISTANCE**

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**MUNICIPAL FINANCE  
AND CONSTRUCTION ELEMENT**

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**SED PARTICIPATION  
BUILDING PHASE  
QUARTERLY REPORTING FORM  
FOR  
CONTRACTING AGENCIES &  
CONTRACTORS**

(OEO-002)

Questions or concerns:  
NJDEP, Office of Equal Opportunity and Public Contract Assistance (609) 940-4086 / [publiccontractasst@dep.nj.gov](mailto:publiccontractasst@dep.nj.gov)

V.1-2023



## NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REPORTING REQUIREMENTS ON SOCIALLY AND ECONOMICALLY DISADVANTAGED (SED) BUSINESS UTILIZATION

These instructions apply to reporting on the utilization of Socially and Economically Disadvantaged Businesses (MBEs/WBEs/DBEs) under the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Financing Programs. They are intended to provide guidance to Project Sponsors and Contractors in filling out the Building Phase (SED) Utilization Form. The reporting requirements apply to all Contracting Agencies and Contractors pursuing New Jersey Financing Assistance through programs administered by the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust pursuant to N.J.A.C. 7:22-3.; N.J.A.C. 7:22-4.; N.J.A.C. 7:22-6; N.J.A.C. 7:22A-6; N.J.A.C. 7:22-7.

Each Project Sponsor and Contractor must submit this building SED Report (Form OEO-002) quarterly on MBE/WBE utilization for each contract for which a Project Sponsor or its Contractor(s) awards a sub-agreement. The form must be submitted to the New Jersey Department of Environmental Protection (NJDEP), Office of Equal Opportunity and Public Contract Assistance within 15 days following the close of each fiscal year quarter (i.e., January 15, April 15, July 15, and October 15).

### INSTRUCTIONS FOR FILLING OUT SED UTILIZATION REPORT

1. Read instructions carefully before completing form and refer to N.J.A.C. 7:22-9.1 et seq. for further guidance.
- 2a. The name, address, and email of Project Sponsor participating in the grant/loan programs for environmental infrastructure facilities.
- 2b. Name, address, and email of the Project Compliance Officer responsible for submitting periodic reports.
3. Name, address, and email of party contracting directly with the Project Sponsor.
4. Self-explanatory.
- 5a. The grant/loan project number for the agreement between the State of New Jersey and the Project Sponsor.
- 5b. The grant/loan project number for the contract between the Project Sponsor and its contractor(s).
6. Include brief description of project.
- 7a. - 7c. Self-explanatory.
- 8a. The county in which the Project Sponsor is located.
- 8b. The municipality in which the Project Sponsor is located.
9. The date of the agreement between the State of New Jersey and the Project Sponsor.
- 10a. The date of agreement between the Project Sponsor and the contractor.
- 10b. Self-explanatory.
11. Indicate MBE and WBE goals based upon project plan for SED utilization developed in consultation with The Office. These goals may vary depending upon local law. Where a Project Sponsor has a SED participation goal which exceeds ten percent, the Project Sponsor's goal shall take precedence.
12. Enter the name, address and telephone number of each SED participating in the building phase as a subcontractor under agreement with the construction management firm or the Project Sponsor. Check applicable MBE or WBE status of each listed SED. Explain type of service rendered and list the total dollar amount of the subcontract. Each entry must be accompanied by a copy of the signed subcontract.  
  
**Restricted** - Bids may be solicited on a restricted basis by setting aside a contract for building, materials and equipment, or services which is designated as a contract for which bids are invited and accepted only from SEDs.
13. See instructions for Item 12. This section is designated for SEDs participating in the building phase of a project as a subcontractor under agreement with building contractor(s).
14. Person signing must be the designated Project Compliance Officer of the Project Sponsor. The contractor(s) or the authorize representative of the contractor(s).
15. Additional comments or explanations. Refer to the specific item number on the form, if applicable.

Questions or concerns:

NJDEP, Office of Equal Opportunity and Public Contract Assistance (609) 940-4086 /publiccontractasst@dep.nj.gov

V.1-2023



**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**OFFICE OF EQUAL OPPORTUNITY & PUBLIC CONTRACT ASSISTANCE**  
**MUNICIPAL FINANCE & CONSTRUCTION ELEMENT**

**QUARTERLY CONSTRUCTION REPORT**

**SOCIALLY AND ECONOMICALLY DISADVANTAGED (SED) BUSINESS UTILIZATION**

**1. *Read Instructions Before Completing Form.***

2a. Project Sponsor Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

2b. Project Compliance Officer: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

3. Contractor Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

**4. Financing Program (check applicable program(s))**

\_\_\_\_\_ a. Clean Water SRF      \_\_\_\_\_ b. Drinking Water SRF      \_\_\_\_\_ c. Pinelands Infrastructure Trust

5a. Agreement Number \_\_\_\_\_ 5b. Project Number \_\_\_\_\_

6. Project Name: \_\_\_\_\_

7a. Contract Name: \_\_\_\_\_

7b. Contract Number: \_\_\_\_\_ 7c. Contract Amount \$ \_\_\_\_\_

8a. County \_\_\_\_\_ 8b. Municipality \_\_\_\_\_

9. Date of Grant/Loan Agreement \_\_\_\_\_

10a. Date of Contract Award \_\_\_\_\_ 10b. Duration of Contract: Mo. \_\_\_\_\_ Days \_\_\_\_\_

**11. STATE GOAL OR OTHER STANDARDS (IF ANY)**

Contracting Agency's Requirement

	<u>DOLLAR AMOUNT</u>	<u>PERCENTAGE OF CONTRACT AMOUNT</u>
MBE	\$ _____	_____ %
WBE	\$ _____	_____ %
TOTAL SED	\$ _____	_____ %



OEO-002

12. A/E and Other Professional Service Subcontracts Awarded During the Building Phase

Name, Address and Telephone No.	MBE/ WBE	Type of Service Rendered	Dollar Amount	Number	Subcontract Amount	Award	Subcontract	Date of Subcontract(R/U)	Type of Award*
1. _____ _____ _____ _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Number of Full-time Employees _____									
2. _____ _____ _____ _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Number of Full-time Employees _____									
3. _____ _____ _____ _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Number of Full-time Employees _____									
4. _____ _____ _____ _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Number of Full-time Employees _____									
5. _____ _____ _____ _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Number of Full-time Employees _____									





*\* Restricted/Unrestricted*

13. Other Subcontract Awards Made Under the Building Phase

Name, Address and Telephone No.	MBE/ WBE	Type of Service Rendered	Dollar Amount	Number	Subcontract Amount	Award	Subcontract	Date of Subcontract(R/U)	Type of Award*
1. _____ _____ _____ _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Number of Full-time Employees _____									
2. _____ _____ _____ _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Number of Full-time Employees _____									
3. _____ _____ _____ _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Number of Full-time Employees _____									
4. _____ _____ _____ _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Number of Full-time Employees _____									
5. _____ _____ _____ _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Number of Full-time Employees _____									



***\* Restricted/Unrestricted***

14.

\_\_\_\_\_  
*(Signature of Project Compliance Officer)*

\_\_\_\_\_  
*(Signature of Contractor)*

\_\_\_\_\_  
*(Title)*

\_\_\_\_\_  
*(Title)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Date)*

15.      Space Provided for Additional Comments or Explanations

Questions or concerns:

NJDEP, Office of Equal Opportunity and Public Contract Assistance (609) 940-4086 /publiccontractasst@dep.nj.gov

V.1-2023





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DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF EQUAL OPPORTUNITY  
AND PUBLIC CONTRACT ASSISTANCE

MUNICIPAL FINANCE  
AND CONSTRUCTION ELEMENT

**SED PARTICIPATION**  
**CONTRACTOR'S QUARTERLY PROCUREMENT ACTIVITY FORM**  
(OEO-002.CQPA)

DATE: \_\_\_\_\_

RE: **CONTRACTOR'S QUARTERLY PROCUREMENT ACTIVITY**  
*(This form should be completed by the Project Compliance Officer)*

Please be advised that the USEPA requires that this office furnish those procurement dollars expended on a quarterly basis. Procurement dollars is the amount of money the sponsor or municipality has paid the contractor for the current quarter. This form should be completed and submitted along with other quarterly reporting information.

Project Sponsor Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Number: \_\_\_\_\_

Contract Name: \_\_\_\_\_

Contract Number: \_\_\_\_\_

Contractor's Name: \_\_\_\_\_

Procurement Dollars Expended this Quarter: \_\_\_\_\_

Please check appropriate quarter:

\_\_\_\_\_ 1<sup>st</sup> (Oct – Dec)      \_\_\_\_\_ 3<sup>rd</sup> (April – June)

\_\_\_\_\_ 2<sup>nd</sup> (Jan – March)      \_\_\_\_\_ 4<sup>th</sup> (July – Sept)

Questions or concerns:  
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V. 1-2023





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**OFFICE OF EQUAL OPPORTUNITY  
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**MUNICIPAL FINANCE  
AND CONSTRUCTION ELEMENT**

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**SED PARTICIPATION**  
**MONTHLY PROGRESS REPORT**  
(OEO-003)

Questions or concerns:  
NJDEP, Office of Equal Opportunity and Public Contract Assistance (609) 940-4086 / [publiccontractasst@dep.nj.gov](mailto:publiccontractasst@dep.nj.gov)

V. 1-2023



**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 SOCIALLY AND ECONOMICALLY DISADVANTAGED (SED) BUSINESS UTILIZATION  
 MONTHLY PROGRESS REPORT**

PROJECT SPONSOR NAME \_\_\_\_\_

CONTRACTOR \_\_\_\_\_

PROJECT NUMBER \_\_\_\_\_

PROJECT NAME \_\_\_\_\_

CONTRACT NAME \_\_\_\_\_

CONTRACT NUMBER \_\_\_\_\_ CONTRACT AMOUNT \_\_\_\_\_

REPORT MONTH &amp; YEAR \_\_\_\_\_

The following information is required to assist the Project Compliance Officer and the New Jersey Department of Environmental Protection in monitoring the SED (small business enterprises owned and controlled by socially and economically disadvantaged individuals) Utilization progress and activity in the Environmental Infrastructure Financing Program. Each contractor shall respond to each of the listed items. Whenever evidence of completion of each item is available, copies of itemized documents are to be submitted to the Project Compliance Officer.

Over the past month has any action on any item taken place? Please explain each.

- |    |   |           |          |
|----|---|-----------|----------|
| 1. | Copies of Solicitation to SED's                       | _____ Yes | _____ No |
| 2. | Advertisement of bidding or procurement opportunities | _____ Yes | _____ No |
| 3. | Evidence of negotiation with SED's                    | _____ Yes | _____ No |
| 4. | Copies of telephone quotes/negotiations               | _____ Yes | _____ No |
| 5. | Copies of signed sub-agreements                       | _____ Yes | _____ No |
| 6. | Have any subcontracts been awarded in the past month  | _____ Yes | _____ No |

Please provide an explanation for Questions 1 through 6.

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*Signature of Contractor*

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*Signature of Project Compliance Officer*

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*Date*

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*Date*

Questions or concerns:

NJDEP, Office of Equal Opportunity and Public Contract Assistance (609) 940-4086 / [publiccontractasst@dep.nj.gov](mailto:publiccontractasst@dep.nj.gov)

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