



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF EQUAL OPPORTUNITY AND PUBLIC CONTRACT ASSISTANCE

APPLICANT SPONSOR'S SED CONTRACT DOCUMENT/SPECIFICATIONS **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 initial to confirm acknowledgement.

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

The Contract Document of the project package must contain the asterisk (*) items in the noted segments.

NOTICE TO BIDDERS' page:

1. Scope and Purpose
2. Required SED Language *
3. Required SED Utilization Goal Language*
4. SED Utilization **Attainment** Instruction
5. SED Utilization Public Notice Instruction
6. Required SED Funding Award Language *
7. SED Advertisement Instruction
8. SED Utilization Bid Consideration Instruction

GENERAL CONDITIONS:

1. Required SED N.J.A.C. 7:22-9 (Must include entire code verbatim.) Instruction
2. Project Sponsor SED Utilization Plan Instruction
3. Required Restatement of SED Utilization Goal Language*
4. Required Contractor Responsibility SED Utilization Plan Language*
5. Project Sponsor's Responsibility Instruction (Details must be in the Contract)

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 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.



Notice to Bidders Index

1. Scope and Purpose

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

(a) This subchapter establishes procedures for providing opportunities for socially and economically disadvantaged ("SED") contractors and vendors to supply materials and services under State financed construction contracts for environmental infrastructure facilities. To implement the policies established in N.J.S.A. 58:11B-26, 40:11A-41 et seq., and 52:32-17 et seq., this 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. Required SED Language

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

This language 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."

3. Required SED Utilization Goal Language

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

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. SED Utilization Attainment Instruction

N.J.A.C. 7:22-9.3 (b)

The 10 percent SED utilization requirement shall be accomplished by the following:

1. Bids shall be solicited on an unrestricted basis. The bid documents, however, shall include a statement to the effect that the successful bidder must fulfill the SED utilization requirements by subcontracting portions or the work to SEDs; or
2. Contractors also have the option of establishing unrestricted bidding procedures to fulfill the 10 percent SED utilization requirement for the project.

5. SED utilization Public Notice Instruction

N.J.A.C. 7:22-9.6 (a)

All project sponsors, **at least 30 days prior to public advertisement for bids**, shall notify the agencies specified in N.J.A.C. 7:22-9.13(a)8, of the availability of opportunities for SEDs to provide services, to bid on unrestricted contracts or subcontracts, or to provide any other necessary purchase or procurement. The notice shall include a description of the type and scope of the services involved.

6. Required SED Funding Award Language

N.J.A.C. 7:22-9.7 (b) The advertisement for bids shall indicate that:

“Awards will be made only to socially and economically disadvantaged business concerns that are certified by the New Jersey Commerce, Economic Growth and Tourism Commission, the New Jersey Department of Transportation, the Port Authority of New York and New Jersey, New Jersey Transit or other agencies deemed appropriate by the Office as eligible minority businesses or female businesses.”

“The invitation to bid is on an unrestricted basis whereby the successful bidder must fulfill the SED utilization requirements.”

Instruction: The agencies specified in N.J.A.C. 7:22-9.13(a)8 will have a list of eligible SED firms and shall, upon request, provide them to the project sponsor. The project sponsor shall, during the advertisement phase, provide copies of the list to all contractors on unrestricted contracts.

7. SED Advertisement Instruction

N.J.A.C. 7:22-9.7 requires project sponsors to adhere to specific advertisement criteria and duration. Specifically, relating to advertisement duration: In no case shall the advertisement for bids be published less than 30 days prior to the date fixed for receiving bids on the purchase or contract.

8. SED Utilization Bid Consideration Instruction

N.J.A.C. 7:22-9.10 Lowest bid resulting in payment of unreasonable price

- (a) If the contracting agency determines that the acceptance of the lowest responsible bid will result either in the payment of an unreasonable price or in a contract otherwise unacceptable pursuant to the statutes and rules governing public contracts, the contracting agency shall reject all bids.
- (b) Bidders and the office shall be notified of the rejection of all bids, the reasons for the rejection, and the contracting agency's intent to solicit bids for a second time.
- (c) If the contracting agency determines a second time that the acceptance of the lowest responsible bid will result either in the payment of an unreasonable price or in a contract otherwise unacceptable pursuant to the statutes and rules governing public

contracts, the contracting agency shall reject all bids and notify the *NJDEP Office of Equal Opportunity and Public Contract Assistance* and, after receipt of the *NJDEP Office of Equal Opportunity and Public Contract Assistance's* approval, shall amend the project plan accordingly.

- (d) Bidders shall be notified of the cancellation, the reasons for the cancellation and the contracting agency's intent to resolicit bids on an unrestricted basis. SEDs may participate in the bidding on an unrestricted basis.

General Conditions Index

1. N.J.A.C 7:22-9 Instruction

To ensure comprehensive awareness, knowledge, and compliance relative to SED utilization, the recipient shall insert into the contracts, and shall ensure that their contractor(s) include within their subcontract(s) the following in entirety:

Most current N.J.A.C. Title 7:22 Subchapter 9. Awarding Contracts for State Assisted Projects to Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals

2. Project Sponsor SED Utilization Plan Instruction

N.J.A.C. 7:22-9.4 (a, b)

(a) Each project sponsor shall develop, in consultation with the *NJDEP Office of Equal Opportunity and Public Contract Assistance*, a plan for achieving its SED utilization requirements (the "project plan"). Development of a plan shall be completed before the Department and, when relevant, the Trust may approve an application pursuant to the applicable program rules.

(b) The project plan shall identify those contracts proposed to be bid on an unrestricted basis. For each unrestricted contract, the project plan shall also identify the SED utilization requirements that the successful bidder shall meet.

3. Restatement of SED Utilization Goal Language

N.J.A.C 7:22-9.3 (a)

"A goal of not less than 10 percent (*or a higher percentage as may be required by Federal law*) of the total amount of all contracts for building, materials and equipment, or services for a project funded by a New Jersey environmental infrastructure facilities financing program must be awarded to SEDs."

"The project sponsor has identified that the SED utilization goal for this project is: _____" The goal should be stated here.

4. Contractor's Responsibility SED Utilization Plan Language

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

"The successful bidder 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 the awarding of 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."

5. Project Sponsor's Responsibility Instruction

N.J.A.C 7:22-9

Refer to the N.J.A.C 7:22-9 in entirety to develop pertinent details which convey the requirements imposed upon the contractor by the project sponsor to meet specific and general SED utilization requirements for the project pursuant to N.J.A.C. 7:22-9.

Reference and Contract text location (section/page) of the SED Utilization Plan developed by the project sponsor must be noted here.



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**MUNICIPAL FINANCE
AND CONSTRUCTION ELEMENT**

**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

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**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/SEDs) 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 and address of Project Sponsor participating in the grant/loan programs for environmental infrastructure facilities.
- 2b. Name of the Project Compliance Officer responsible for submitting periodic reports.
3. Name and address 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.
7. 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

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

CONSTRUCTION REPORT

SOCIALLY AND ECONOMICALLY DISADVANTAGED (SED) BUSINESS UTILIZATION

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

2a. Project Sponsor Name: _____

Address: _____

2b. Project Compliance Officer: _____

3. Contractor Name: _____

Address: _____

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

_____ a. Wastewater Treatment Fund _____ b. Wastewater Treatment Trust

_____ c. Pinelands Infrastructure Trust _____ d. Stormwater Management _____ e. Water Supply

5a. Agreement Number _____ 5b. Project Number _____

6. Project Title: _____

7. 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	\$ _____	_____ %



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

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State of New Jersey
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.

Municipality Name: _____

Project Name: _____

Project Number: _____ Contract Number: _____

Contractor's Name: _____

Procurement Dollars Expended this Quarter: _____

Please check appropriate quarter:

_____ 1st (Oct – Dec)

_____ 2nd (Jan – March)

_____ 3rd (April – June)

_____ 4th (July – Sept)

Questions or concerns:

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**MUNICIPAL FINANCE
AND CONSTRUCTION ELEMENT**

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

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

MONTHLY PROGRESS REPORT

SOCIALLY AND ECONOMICALLY DISADVANTAGED (SED) BUSINESS UTILIZATION

CONTRACTOR _____

PROJECT NUMBER _____

PROJECT TITLE _____

CONTRACT AMOUNT _____

REPORT MONTH & 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.

Signature of Contractor

Signature of Project Compliance Officer

Date

Date

Questions or concerns:

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

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