

NJTPA GENERAL PROCEDURES FOR THE PROCUREMENT OF PROFESSIONAL SERVICES

The purpose of this document is to provide a general overview of the requirements and process established by North Jersey Transportation Planning Authority (NJTPA) for procuring professional services to support its federally funded Unified Planning Work Program, for consultant contracts to be awarded directly by the NJTPA or by one of its subrecipients.

The following encompasses the general policies of the NJTPA, regarding the procurement of professional services.

1. Services must be obtained through maximum free and open competition; the project specifications must be clear and unrestrictive; and the selection process should be competitive.
2. Proposals shall be solicited from an adequate number of qualified sources.
3. Requests for proposals shall identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.
4. The selection process must be based on a firm's qualifications and on the proposal that is most advantageous to the project, not solely on lowest proposed costs.
5. Costs for services must be fair and reasonable and comply with applicable Federal, State, Local Law and Policies, and Procedures.

Note: Subrecipients must follow its written procedures for the procurement of professional services and adhere to all applicable federal, state, and local regulations.

OVERVIEW OF THE PROCUREMENT PROCESS

The procurement and management of professional services needed to support the NJTPA work program are subject to the following federal requirements:

- 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- CFR Part 200 Subpart D - Procurement Standards
- 48 CFR 31 Contract Cost Principles and Procedures

Contracts requiring engineering and design related services for projects related to construction are also governed by:

- 23 CFR Part 172 Procurement, Management, and Administration of Engineering and Design Related Services

The request for proposals (RFP) formal procurement method is generally used for NJTPA's consultant supported efforts, from which a cost-plus fixed fee contract is awarded to the responsible offeror whose proposal is responsive and most advantageous, using the RFP's evaluation criteria. The RFP is utilized to select a consultant team for a project based on their project approach, qualifications and value, with price and other factors considered. For procurement of architectural/engineering (A/E) professional services,

price is not used as a selection factor and the most qualified offeror is selected based on their qualifications and approach to the project, subject to negotiation of fair and reasonable compensation.

The following principles must be adhered to in order to ensure an open and fair competition.

- Consultants that develop or draft specifications, requirements, statements of work, or requests for proposals must be excluded from competing for such procurement.
- Confidentiality is always of the utmost importance, by all parties involved, throughout any NJTPA consultant selection process.
- The State of New Jersey's Ethics Standards will guide every aspect of the procurement process.
- All RFPs for contracts over the public bidding threshold will be publicly advertised and solicited from an adequate number of qualified offerors.
- Consultants will be given fair and equal treatment with respect to any opportunity for access to information and discussions concerning the RFP.
- If any offeror is granted an interview, every short-list offeror must be granted the same opportunity.

The following guidelines provide more details on the RFP process followed by NJTPA.

1. Method of Procurement
2. RFP Development
3. Solicitation and Submission of Proposals
4. Consultant Selection
5. Contract Award and Notifications

METHOD OF PROCUREMENT

Requests for Proposals

Requests for proposals (RFPs) are used in negotiated acquisitions to communicate the NJTPA's requirements to prospective consultants and to solicit proposals. The RFP must be publicized, solicited from an adequate number of qualified offerors and provide potential offerors with the specific requirements needed to have their proposals considered and evaluated. Services must be obtained through maximum free and open competition; the project specifications must be clear and unrestrictive; and the selection process should be competitive and consider all responses to the maximum extent practical. Generally, the RFP has sets of specifications for the following: the technical proposal contents; the cost proposal requirements/content; the firm's required qualifications; anticipated terms and conditions that will apply to the contract; instructions for submission and compliance requirements; and method for conducting evaluations of the proposals, consultant selection and contract negotiations.

RFPs for Qualifications-based Procurement of Architectural/Engineering Professional Services

The competitive RFP process may also be used for qualifications-based procurement of A/E professional services whereby price is not used as a selection factor. The offerors' qualifications and approach to the project are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. For the procurement of A/E related services - which are defined as program management,

construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services (as specified in 23 U.S.C. 112(b)(2)(A) and 23 CFR 172.3) - a qualifications-based competitive proposal procedure, i.e., the Brooks Act procedures as defined in 40 U.S.C. Chapter 11, Section 1100-1104, must be followed. The Brooks Act further defines A/E related services as professional services of an architectural or engineering nature, as defined by State law, if applicable, that are required to be performed, approved, or logically/justifiably performed by a person licensed, registered, or certified as an engineer or architect to provide the services (as specified in 40 U.S.C. 1102(2)). This method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

Other Procurement Methods

Occasionally, the standard formal competitive RFP procurement procedures for professional services do not meet the study or project requirements. Other procurement methods may include:

1. Informal RFPs for small/ad hoc professional services (for contracts under the current public bid threshold)
2. Requests for information (used to determine the availability of services and to identify and evaluate market practices and viable sources for a new project that warrants additional information to decide how to proceed or to draft a RFP)
3. Requests for qualifications (used to identify and screen potential firms for a project prior to requesting proposals)
4. Request for quotations (used to obtain pricing information for clearly defined products or services)
5. Sealed bid procedures (in which bids are publicly solicited and a firm fixed-price contract is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price)
6. Non-competitive or sole source procurement (which can only be used under specific circumstances and require federal agency approval)

Note: Any of these other procurement methods for professional services must be approved by the NJTPA procurement officer, prior to its use (this applies to contracts awarded directly by NJTPA and or indirectly by its subrecipients). The project manager should contact the NJTPA procurement officer if they are considering using any procurement method other than the RFP process.

RFP DEVELOPMENT

RFP Kick-off Meeting and Development Schedule

Prior to fully developing the RFP, the NJTPA Project Manager must schedule a kick-off meeting with key NJTPA stakeholders, Finance and Administration, and Communications to discuss the project scope/goals, resources, procedures for procurement, etc. The Project Manager must develop the RFP Milestone Schedule that will guide the development and release of RFP solicitation and determine when funds will need to be available for the consultant contract award. An initial independent cost estimate must also be prepared to determine the project budget, which needs to be programmed in the NJTPA's UPWP.

While preparing the RFP, the project manager or subrecipient must develop consultant selection criteria that will be used by the Consultant Selection Committee for the evaluation of each consulting proposal. The Consultant Selection Committee should be comprised of a minimum of three people and include subject matter experts who can provide valuable input into the project scope, the consultant qualification requirements and the selection of the most advantageous proposal. Prior to publicly distributing the RFP, the Consultant Selection Committee must review and comment on the RFP.

Note: For subrecipient contracting opportunities, the Consultant Selection Committee must include at least one member of the NJTPA Central Staff.

Independent Cost Estimate

Prior to the release of the RFP, the Project Manager will be required to refine the initial independent cost estimate prepared during development of the project's budget for the UPWP. The independent cost estimate should be updated to reflect the estimated cost of completing the project based on the RFP's detailed scope of work and cost proposal requirements. The refined estimate must be within the initial budget established for the UPWP and will be used to assess if the proposed consultant costs are fair and reasonable.

For RFPs requiring engineering services that must follow the Brooks Act, a more detailed independent costs estimate will need to be completed to provide an accurate estimate of the financial obligations to be incurred by the NJTPA and permit an effective review and comparison of the cost proposal submitted by the highest ranked firm selected to enter into negotiations. The engineers' estimate must be certified by the project manager(s), who must declare their understanding and agreement to maintain the confidentiality of the estimate, and to protect such information from unauthorized access, use and disclosure.

Major RFP Elements

There are seven major elements that are required in the solicitation process for proposals:

1. Public advertisement and solicitation notices to an adequate number of qualified firms, which describe the project elements and explain how to obtain the RFP materials
2. The RFP background or the RFP's introduction
3. The Scope of Work, Schedule and Cost Proposal, which defines the project and explains the expectations from the consultant in three areas: technical, firm qualifications and costs
4. Respondent's eligibility, pre-qualification and documentation requirements for responding to solicitation
5. How to Respond section, which establishes proposal procedures and deadlines and describes the proposal submittal process
6. Consultant Selection process and Criteria/proposal evaluation factors, including their relative importance
7. RFP Consultant Selection and Contract Award Process Schedule

RFP Technical Proposal Requirements

- Numbered tasks by title and elements, either listed or in narrative form
- Scope of Work, with summary of tasks showing anticipated percentage of time for each task

- Indication of the degree of innovation and creativity desired
- Specific products: interim technical memorandums and final reports, including number of review drafts and final documents, charts, executive summary, final executive report and presentation, maps, electronic document and data files or other output expected, desired formats, etc.
- List all other participants in the project and describe their roles including a stakeholder or technical advisory or steering committees, if appropriate
- Interviews/Presentations/Demonstration requirements that are to be made by the consultant or by someone else requiring the consultant's presence and/or participation
- Other specific needs, data, software, specialized equipment, etc.
- Notice that the proposer must address all services requested in the RFP
- Designation of project's timeframe for completion and interim milestones, typically shown in terms of weeks or months following the commencement of the consultant's work
- Staff plan with the designated project manager and other staff to be assigned to the project, listed by name, title, and estimated person hours each per task, including subconsultants if applicable (note, for projects subject to Brooks Act, estimated hours should not be requested in the technical proposal's staff plan)
- Overview of the portion(s) of the project work that will be subcontracted, if applicable
- Resumes of key staff assigned to the project
- Appendices and other relevant information (project maps, reports, links to relevant studies, etc.)
- Draft RFP reviewed internally by the Director of Communications and by the Finance and Administration.
- Draft RFP Scope reviewed by the Consultant Selection Committee for input.

Cost Proposal Requirements

Cost proposals shall be submitted in a format consistent with the NJTPA's sample budget summary form. Each task identified in the Scope of Work should be budgeted separately. The cost proposal from the consultant team should be developed by calculating the total hours required to complete each task in the RFP. The hours should then be multiplied by the wage rate for each person working on each task. The final summary budget for the prime consultant shall be in the form of the following suggested format.

Prime Consultant Firm's Name

Project Title and Date of Proposal Submission

Budget Period

The length of time that the cost proposal is considered valid or "in effect". Generally, the minimum time frame is 6 months.

Salaries/Wages

The firm must show how this figure is computed. This is usually shown through person-hours by task. Staff time must be calculated in **hours**, rather than days. Data to be included in the detailed staff plan/wage rate schedule are:

- the firm's name and the project name for which the schedule applies;
- staff plan table which includes names of all employees who will work on the project, including their job title and, if applicable, grade (the grade classification is the one used by ASCE and should be used for engineering projects subject to Brooks Act); and
- the requested hourly wage rates for each employee listed above; and
- hours by tasks.

Overhead (a percentage of direct salary only)

Identify method used to determine overhead rates, subject to approval by NJTPA staff.

For Prime Consultant and each Subconsultant providing professional services, overhead/indirect cost rates must be prepared in accordance with FAR Part 31 – Contract Costs Principles and Procedures and excludes unallowable costs as defined by federal regulations. (<https://www.acquisition.gov/far/part-31>)

For A/E projects subject to the Brooks Act, NJDOT approved OH rates are required.

Fixed Fee (or profit)

This is a negotiated percentage of the sum of direct labor cost plus overhead, which reflects the project size, complexity, and duration and the degree of risk involved. The fee is “fixed” and it does not change unless extra work has been authorized. Generally, the fee ranges from 10 to 12%. The NJTPA Project Manager and procurement officer will evaluate the basis of the fee derivation and will determine whether the fee is considered reasonable and acceptable.

Direct Non-Salary Expenses

Any other direct non-labor expenses, which are not covered under overhead, for materials or travel that are anticipated to be required for the project must be itemized in the budget.

Equipment/Software/Data Purchases

Any equipment, including office equipment, computer hardware, software, technology leases or subscriptions, and other non-expendable personal property having a useful life of one year (regardless of price), or data purchased by the consultant as a necessary item to carry out the work program, must be approved in advance by the NJTPA procurement officer and be procured in compliance with 2 CFR 200 and 49 CFR 18, which stipulates the requirements for purchased non-expendable personal property having a useful life of more than one year. The NJTPA (as grantee, or its subrecipients as sub-grantees) will not reimburse the consultant (or subrecipient) for equipment or software/data purchases under a subcontract, unless otherwise pre-approved in writing.

Use of federal funds requires the full documentation of the use of any equipment that is purchased or leased with federal funds. The equipment must be used solely for federally participating work. The NJTPA is also responsible for assuring that the type of equipment purchased does not exceed what is needed in

order to accomplish the work outlined in the project scope. Generally, if the equipment is intended to serve a long-term benefit (beyond the life of the study) to the sponsor, the use of federal funds for procurement is discouraged. Title to capital equipment approved by the NJTPA to be purchased by a consultant shall vest upon acquisition in the NJTPA (or its subrecipient) subject to the provisions of 2 CFR 200.313 and 49 CFR 18.32. At the end of the study, the consultant must return the equipment purchased with federal funds to the NJTPA (or to its subrecipient; if the consultant contract is awarded through a subrecipient, the subrecipient may request federal approval for continued use of the equipment beyond the life of the study). The procurement of data or software and the stipulations for use or ownership beyond the contract term will be handled on a case-by-case basis.

Subconsultant Costs

Cost for each subconsultant shall be itemized separately including salaries, direct non-salary expenses and fixed fee.

Note: The cost proposal information is required to be provided by the prime and all subconsultants proposed to be utilized for the project. Some projects depending on scope and type of project, may require another format for the cost proposal or provide itemized non-labor direct expense lines for equipment or software. Consult with procurement officer for special requirements.

Checklist for Additional Information Required in the RFP

Check the RFP to be sure the following additional items are covered.

- Stipulation for the respondent to certify the availability and commitment of the consultant’s professional and technical staff during the life of the project.
- Eligibility requirements including prequalification, if applicable.
- Whether interviews/presentations or demonstrations are required.
- Proposal evaluation criteria with relative weights of importance assigned that will be used for consultant selection.
- Type of contract. Generally, the contract will be a negotiated, cost plus fixed fee agreement with a maximum project amount. In some cases, a "fixed price" (lump sum) or “time and materials” contract may be appropriate. The NJTPA procurement officer’s approval is required before other types of contracts can be specified. The lump sum agreement is acceptable for small contracts where the extent, scope, complexity, character, and duration of a study are well defined. Time and material contracts are generally used for projects that have variable costs that shift with the actual labor hours incurred and materials required to perform specific tasks on an as-needed basis (i.e., service contracts for software maintenance or support). The lump sum contracts, if used, must be negotiated and supported by a detailed estimate showing direct cost, indirect cost, overhead, and net fee for profit.
- Solicitation and contract award terms and conditions, and documentation requirements.
- Mandatory Equal Employment Opportunity language:
 - If awarded, the successful firm awarded the contract shall be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.*
- Mandatory Title VI provision (pursuant 78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4):
 - The [Insert Name] in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all*

interested parties that it will affirmatively ensure that any contract entered into pursuant to this solicitation, disadvantaged business enterprises will be afforded full and fair opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

- Certification of insurance coverage required. See NJTPA procurement officer for current insurance requirements and limits. Some insurance coverages are dependent on the project’s scope of work. In general consultants, subconsultants, and subrecipients may be required to carry the following types of insurance.
 - ✓ Commercial General Liability
 - ✓ Commercial Automobile Liability
 - ✓ Workers' Compensation & Employer’s Liability Coverage
 - ✓ Excess or Umbrella Liability
 - ✓ Professional Liability/Errors & Omissions Liability
 - ✓ Cyber Liability (if applicable)
 - ✓ All-Risk Property Insurance (if applicable)
 - ✓ Contractor’s Pollution Liability (if applicable)

NJTPA and NJIT shall be named as additional insureds on a primary and non-contributory basis on each policy of required insurance with a waiver of subrogation (excluding worker’s compensation). All insurance policies must be issued by an insurance company authorized to do business in New Jersey. The insurance coverages must be maintained in force throughout the term of the project. Subrecipient projects are required to adhere to the types of insurance and limits set forth.

- Estimated time frame and method to be used in notifying a firm of the acceptance or rejection of its proposal.
- Details of the proposal’s delivery, such as:
 - ✓ to whom the proposal is to be addressed
 - ✓ instructions on how to submit proposal
 - ✓ deadline date and hour for receipt of proposals (i.e., NJTPA proposals are typically due to be received by 2 PM, on Wednesdays)
 - ✓ proposal format details (i.e., pdf for Technical Proposal, pdf and Excel for Cost Proposal)
 - ✓ parts bound together or separately (technical and cost proposal submitted separately)

Suggestion: Ensure relevant staff members review the draft RFP to confirm its clarity and completeness.

Note: Small professional service contracts that are less than the current federal threshold as defined under 2 CFR 200.320 and the state’s public bidding threshold typically follow a different procurement process – see NJTPA procurement officer for additional information. They are usually handled as lump

sum contracts – but only if the extent, scope, complexity, character, and duration of a study are well defined, otherwise.

SOLICITATION AND SUBMISSION OF PROPOSALS

Advertising

Publicizing all new federally funded contracting opportunities over the public bidding threshold is mandated by 2 CFR 200.320, 48 CFR Part 5, and 23 CFR 635.112. Advertising in print media should be a paid ad in a wide circulation newspaper once weekly for three weeks. If the project is local in nature, consider using both a large circulation daily, (placement in the legal edition), and a local paper in the target area, many of which are published weekly.

The NJTPA releases RFPs to be published in Star Ledger on Wednesday.

Trade and association bulletins/newsletters can also be used to carry notices of RFPs. However, many of them publish only once a month, which can increase advertising lag time considerably.

Check List for Public Advertisements (required items):

- Project name
- Statement that proposals are being requested
- Invitation to qualified firms to respond
- Very brief (one sentence) explanation of project and its geographic target area
- Method of obtaining the RFP (i.e., download from website and/or request via email, fax, phone)
- Statement that federal funds are involved and that all pertinent federal regulations apply
- Deadline for the receipt of consultant proposals
- Mandatory equal employment opportunity language:

If awarded, the successful firm awarded the contract shall be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.

- Mandatory Title VI provision (pursuant 78 Stat. 252, 42 U.S.C.§§ 2000d to 2000d-4):

The [Insert Name] in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C.§§ 2000d to 2000d-4) and the Regulations, hereby notifies all interested parties that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

NJTPA RFP Website

In addition to publicly advertising in print media, NJTPA RFPs will be advertised on the on the it's RFPs website and the State of NJ business opportunity website. Subrecipient RFPs should be advertised on their website and, if requested, it can be posted on the NJTPA's website.

RFP Submission Requirements

All proposals for NJTPA projects shall be addressed to the Project Manager and submitted electronically through the NJTPA's secure and confidential proposal form provided on the RFP webpage. Each RFP submission should include the following:

- Proposal Cover Letter, containing the following.
 - ✓ Project Manager(s) and person authorized to negotiate on behalf of the consultant firm
 - ✓ Subconsultants
 - ✓ Consultants' contact person(s) with contact information
- Technical Proposal with required documentation
- Cost proposal in format stipulated in RFP

The proposal submission will be date and time stamped, and an email notification along with a confirmation number will be sent to the respondent.

CONSULTANT SELECTION***Consultant Selection***

A specific method shall be established and used to conduct technical evaluations of the proposals received and to determine the most qualified offeror, which must be specified in the RFP. The award is made to the responsible offeror whose proposal is most responsive and advantageous, with price and other factors considered.

All new contracting opportunities must be evaluated by a Consultant Selection Committee using the evaluation factors specified in its solicitation documents. The Consultant Selection Committee should review proposals based whether the consultant team adequately responded to the RFP's scope of work with a suitable approach to the project, demonstrated expertise and appropriated the right level resources, adhered to the administrative requirements, demonstrated quality assurance quality control, etc.

The Consultant Selection Committee may conclude after the completion of the technical proposal evaluations that interviews with oral presentations and/or demonstrations are required to determine the highest ranked firm. Interviews with the top two or three most highly qualified firms may be requested, at which the project manager and key team members will be expected to attend to provide oral presentations of their technical proposals (for A/E projects subject to Brooks Act, interviews or discussions with 3 or more firms are required). There are no separate evaluation criteria for the oral presentations. If oral presentations are conducted, the same evaluation criteria and weights used to review the written technical proposals will be applied to the oral presentations. Following the oral presentations, the preliminary scores may be adjusted by the committee to determine the final ranking of the firms.

Technical portions of the proposal will be evaluated separately from the budgetary portion of the proposal. However, prior to negotiating with the highest ranked firm, the committee will review the cost proposals with the independent cost estimate for reasonableness of salary and non-salary cost elements. The committee will determine the practicality of the cost relative to completing the scope of work. For A/E only the cost proposal submitted by the highest ranked firm will be opened and reviewed with the independent cost estimates. For non-A/E contracts, each cost proposal will be opened and reviewed.

Negotiations, Final Scope of Work, and Cost Proposal

Contract negotiations will begin with the firm with the highest-ranked proposal. Upon selection of consultant team, the NJTPA project manager should schedule a meeting with the consultant's project manager and any persons authorized to negotiate on the firm's behalf to discuss the technical proposal and cost proposal. The NJTPA procurement officer must be in attendance. Project Managers should thoroughly review the proposed scope of work and be prepared to discuss adjustments, amendments, and changes to tasks or deliverables. Cost proposals should be reviewed for each cost element, including staff assignments by task and hours, proposed wage rates, non-salary direct expenses, fee for profit, and subconsultant costs. If an agreement on price cannot be reached with the highest ranked firm, negotiations will continue with the next most qualified consultant until a fair and reasonable price is agreed upon or until the NJTPA decides to halt negotiations.

Executive Committee Approval

After the proposals have been evaluated by the Consultant Selection Committee (including oral presentations, if applicable), the Project Manager shall prepare a recommendation report to be submitted to the Executive Director and Executive Committee to award the contract (Executive Committee Recommendation Report) for. The Executive Committee Recommendation Report shall be submitted to the procurement office for their review before submitting it to the executive committee for their concurrence.

The Executive Committee Recommendation Report includes the following items

- Executive Committee Approval Form
- Executive Committee Recommendation Memorandum
- Final CSC Score Summary
- Cost Proposal Summary\Evaluation
- Copy of final negotiated cost proposal

The recommendation report's memorandum shall include the following items.

- Brief description of the scope of work and explanation of the consultant's qualifications needed to complete the work
- Summary of the proposal evaluation and consultant selection process
- Listing of all qualified consultants that responded to the solicitation
- Ranking of the proposals (in order of preference)
- Recommendation to approve the selection of the top firm/team, whom an agreement on price had been reached
- Justification for the Consultant Selection Committee's recommendation, including all considerations for basis of award (i.e., proposed approach, qualifications, experience, interviews/demonstrations)
- Negotiated budget, cost comparison, and source of funding

Required Record Documentation

The NJTPA must maintain sufficient records to detail the history of the procurement. During the consultant selection phase of the project, the Project Manager and procurement officer must see that following actions are recorded and documents are retained.

- All public advertisement data and copies of certifications of publication
- List of all consultants notified by email
- Documentation of all responses and requests for RFP material, including the date and name of contact and their firm
- Documentation any type of correspondence relating to proposal, RFP, etc., by firm name, subject, date, time
- Documentation of all inquiries and responses provided for the RFP, i.e. emails, QA document
- Log of all proposals received, including date, firm name, Project Manager information, contact information, and subconsultants
- Note any proposals rejected for not meeting content/delivery requirements
- Copies of notification letter(s) for rejection of proposals including reason for rejection, date sent, recipients
- Copy of consultant selection procedures and factors used, and a list of members of Consultant Selection Committee who evaluated the proposals
- Copies of correspondence inviting firms to make oral presentations
- Copy of Consultant Selection Committee report, scores, comments on proposals, notes from the oral presentations
- Reference checks
- Copy of notification to selected firm(s), including statement that selection is pending result of pre-award evaluation
- Mandatory Documentation for contract award (i.e., State of New Jersey Business Registration Certificate, Disclosure of Investment Activities in Iran Form; Certification of Non-Involvement in Prohibited Activities in Russia and Belarus, etc.)
- Other documentation as specified in RFP

Note: For subrecipient contracting opportunities, the Consultant Selection Committee must include at least one member of the NJTPA Central Staff. Subrecipients shall adhere to their own documentation requirements for the procurement of professional services but should also maintain the same level of documentation listed above. The final selection decision shall be made by the subrecipient's agency head or designated selection authority.

CONTRACT AWARD AND NOTIFICATIONS

A Letter to Incur Costs or notice of contract authorization can only be issued after the approval to award the contract has been made by the NJTPA Executive Director and Executive Committee of the Board of Trustees and upon acceptance of a final negotiated scope of work and cost proposal. The contract agreement cannot be issued until the prime consultant and its subconsultants have met all mandatory

eligibility requirements, as prescribed in the initial RFP. NJIT is the host agency of the NJTPA and is an executor of the agreement. Once the contract is fully executed, a purchase order will be issued by NJIT for reimbursement of the consultant's expenses.

A Letter to Incur Costs is generally considered a legally binding document. It allows the consultant to begin work and bill for costs incurred. It should not be confused with a Notice to Proceed, which authorizes the consultant to begin work, but only at their own risk.

All respondents who submitted proposals will be informed of their status when a decision of award has been made. Vendor de-briefings will be provided upon request, after notice of award. Any firm has the right to appeal a selection action on the basis of discrimination or unfair exclusion. Program managers must notify the NJTPA immediately if such a protest is received.

Note: For subrecipient projects, if state matching funds will be required for the consultant's contract or contract modification, or if the subrecipient project manager has any doubts about the consultant accepting the legal terms and conditions of the boilerplate contract, a Letter to Incur Costs may not be appropriate. Subrecipients should seek guidance from their procurement office and/or legal department.