

PUBLIC NOTICE
REQUEST FOR QUALIFICATIONS and REQUEST FOR PROPOSALS

Construction Engineering and Inspection Services Associated with the Construction of the South Amboy Ferry Terminal, South Amboy, New Jersey.

Notice is hereby given that the City of South Amboy, Middlesex County, New Jersey is soliciting and will accept Qualifications Statements and Proposals for Construction Engineering Services Associated with the Construction of the South Amboy Ferry Terminal no later than **Wednesday, October 20, 2021 at 1:30 p.m.** prevailing time, to be received by Deborah Brooks, City Clerk, City of South Amboy, 140 North Broadway, South Amboy, NJ 08879.

Through the Request for Qualifications process, persons and/or firms interested in assisting the City with the provision of such services must prepare and submit a Qualification Statement and a separate, sealed, Cost Proposal in accordance with the procedures described in the RFQ/RFP. This competitive, qualifications-based process is required pursuant to the requirements of the Federal Brooks Act, 23 U.S.C.A. 112 et seq.

Prior to negotiations, the prime consultant, and each sub-consultant (A/E firm) must be approved by NJDOT for Cost Basis. Please visit this web site for additional guidance and requirements.

<http://www.state.nj.us/transportation/business/procurement/ProfServ/CostBasisApprov.shtm>

The selection of Qualified Respondents is not subject to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq This project involves Federal funding participation. The City of South Amboy will conform to the procurement requirements by "Competitive Proposal Method" under the Brooks Act and Federal Policy Guide 23 CFR 172A. The selection of a consultant must result from negotiations that utilize a qualification - based selection process. The process and any resulting contract must first be review by the Department of Transportation prior to use or execution.

Qualification Statements will be evaluated in accordance with the criteria set forth in the RFQ/RFP, which will be applied in the same manner to each Qualification Statement received. The Cost Proposals shall **not** be considered in the evaluation process and as such shall be sealed separately from the Qualifications Statement.

The City will review Qualification Statements only from those persons or entities that submit a Qualification Statement that includes all the information required to be included as described in the RFQ/RFP (in the sole judgment of the City). The City intends to qualify a person or entity that (a) possesses the highest professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under a fair and reasonable compensation arrangement negotiated during the final selection process pursuant to the Brooks Act. The RFQ process commences with the issuance of the RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table One of the RFQ entitled "Procurement Schedule". The City reserves the right to, among other things, amend, modify or alter the procurement schedule upon notice to all potential Respondents.

Specifications and blank Bid Forms may be obtained online at the following web address <http://southamboynj.gov>. Any questions concerning this specification must be directed to the City of South Amboy Designated Contact Person in writing by email to ba@southamboynj.gov.

Proposers are required to comply with requirements of NJSA 10:5-31 et seq. and N.J.A.C. 17:27 and must abide by the New Jersey Prevailing Wage Act, P.L. 1963, Chapter 150.

The City's Designated Contact Person is:

**Mr. Glenn R. Skarzynski, MPA
Business Administrator
City of South Amboy
140 North Broadway
South Amboy, New Jersey 08879
(732) 525-5933**

Date of Issue – September 28, 2021

**REQUEST FOR QUALIFICATIONS
and
REQUEST FOR PROPOSALS**

**FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES
ASSOCIATED WITH THE CONSTRUCTION OF
THE SOUTH AMBOY FERRY TERMINAL**

CITY OF SOUTH AMBOY

ISSUE DATE: Tuesday, August 24, 2021

DUE DATE: ~~Wednesday, September 22, 2021 at 1:30 p.m.~~

DUE DATE EXTENDED Wednesday, October 20, 2021 at 1:30 p.m.

ISSUED BY: City of South Amboy

Project Location Map

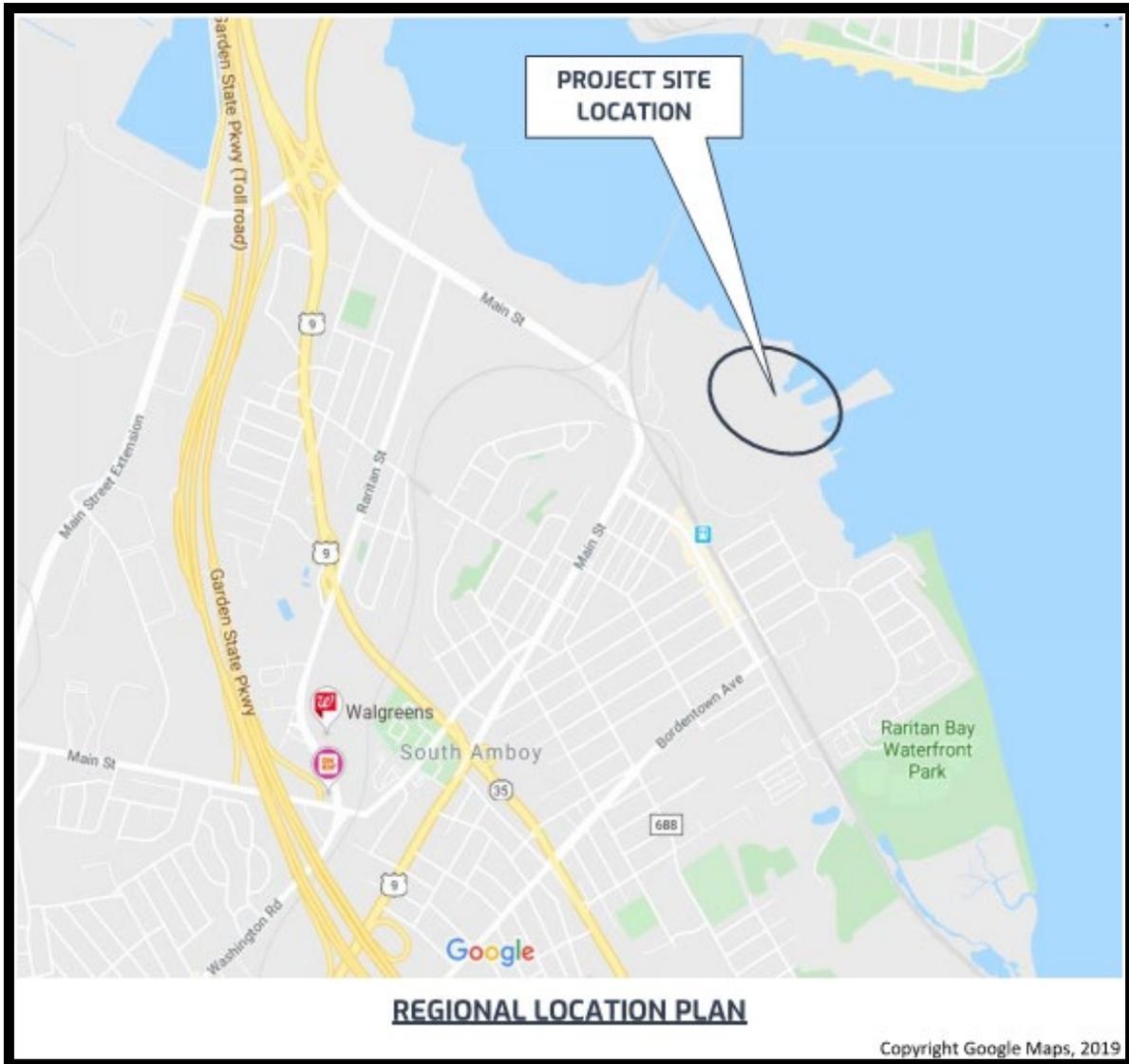


TABLE OF CONTENTS

SECTION	PAGE NO.
Project Location Map	2
Public Notice	4
Section One – Introduction and General Information	5
Section Two – Scope of Services	13
Section Three – Submission Requirements	21
Section Four – Instructions to Respondents	27
Section Five – Evaluation	28
APPENDIX	
Exhibit A – Project Description	30
Exhibit B – Federal SF Form 330, Qualification Statement	33
Exhibit C – Letter of Qualification	34
Exhibit D – Letter of Intent	35
Exhibit E – Forms Required by the City of South Amboy	37
Statement of Owner Disclosure	38
Non-Collusion Affidavit	40
Business Entity Disclosure Certification	41
Affirmative Action Compliance Notice	45
Mandatory Equal Employment Opportunity Language	46
Americans With Disabilities Act of 1990	48
Business Registration Certificate	49
Exhibit F – Mediation Provisions for Construction Contracts	50
Exhibit G – RFQ/RFP Evaluation Form	53
Exhibit H – Submission Checklist	59
Exhibit I – Organization Chart	61
Affirmative Action Certification	62
Disclosure of Investment Activities in Iran	64
Exhibit J – Sample Site-Specific Health and Safety Plan	65
Exhibit K – Archeological Monitoring Protocol During Construction	67
Exhibit L – Second Amended Memorandum of Agreement	73

PUBLIC NOTICE
REQUEST FOR QUALIFICATIONS and REQUEST FOR PROPOSALS

Construction Engineering and Inspection Services Associated with the Construction of the South Amboy Ferry Terminal, South Amboy, New Jersey.

Notice is hereby given that the City of South Amboy, Middlesex County, New Jersey is soliciting and will accept Qualifications Statements and Proposals for Construction Engineering Services Associated with the Construction of the South Amboy Ferry Terminal no later than **Wednesday, October 20, 2021 at 1:30 p.m.** prevailing time, to be received by Deborah Brooks, City Clerk, City of South Amboy, 140 North Broadway, South Amboy, NJ 08879.

Through the Request for Qualifications process, persons and/or firms interested in assisting the City with the provision of such services must prepare and submit a Qualification Statement and a separate, sealed, Cost Proposal in accordance with the procedures described in the RFQ/RFP. This competitive, qualifications-based process is required pursuant to the requirements of the Federal Brooks Act, 23 U.S.C.A. 112 et seq.

Prior to negotiations, the prime consultant, and each sub-consultant (A/E firm) must be approved by NJDOT for Cost Basis. Please visit this web site for additional guidance and requirements.

<http://www.state.nj.us/transportation/business/procurement/ProfServ/CostBasisApprov.shtm>

The selection of Qualified Respondents is not subject to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq This project involves Federal funding participation. The City of South Amboy will conform to the procurement requirements by "Competitive Proposal Method" under the Brooks Act and Federal Policy Guide 23 CFR 172A. The selection of a consultant must result from negotiations that utilize a qualification - based selection process. The process and any resulting contract must first be review by the Department of Transportation prior to use or execution.

Qualification Statements will be evaluated in accordance with the criteria set forth in the RFQ/RFP, which will be applied in the same manner to each Qualification Statement received. The Cost Proposals shall **not** be considered in the evaluation process and as such shall be sealed separately from the Qualifications Statement.

The City will review Qualification Statements only from those persons or entities that submit a Qualification Statement that includes all the information required to be included as described in the RFQ/RFP (in the sole judgment of the City). The City intends to qualify a person or entity that (a) possesses the highest professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under a fair and reasonable compensation arrangement negotiated during the final selection process pursuant to the Brooks Act. The RFQ process commences with the issuance of the RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table One of the RFQ entitled "Procurement Schedule". The City reserves the right to, among other things, amend, modify or alter the procurement schedule upon notice to all potential Respondents.

Specifications and blank Bid Forms may be obtained online at the following web address <http://southamboynj.gov>. Any questions concerning this specification must be directed to the City of South Amboy Designated Contact Person in writing by email to ba@southamboynj.gov.

Proposers are required to comply with requirements of NJSA 10:5-31 et seq. and N.J.A.C. 17:27 and must abide by the New Jersey Prevailing Wage Act, P.L. 1963, Chapter 150.

The City's Designated Contact Person is:

Mr. Glenn R. Skarzynski, MPA
Business Administrator
City of South Amboy
140 North Broadway
South Amboy, New Jersey 08879
(732) 525-5933

Date of Issue – August 24, 2021

SECTION ONE

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

- A. The City is soliciting Qualification Statements from interested persons and/or firms for the provision of Construction Engineering services in connection with the Construction of the South Amboy Ferry Terminal (“Project”) within the City of South Amboy, as more particularly described herein. Through the Request for Qualifications process described herein, persons and/or firms interested in assisting the City with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedures in this RFQ. The City of South Amboy will conform to the procurement requirements by “Competitive Proposal Method” under the Brooks Act and Federal Policy Guide 23 CFR 172A.

Construction Engineering services rendered in association with projects funded in whole or part with Federal Aid Highway Program funds must comply with Title 23 CFR 635 which sets forth specific requirements related to Construction Engineering, Resident Engineering and Construction Inspection services. The City of South Amboy, by issuance of this RFQ/RFP, intends to procure the services of a Construction Engineer to provide the requisite Resident Engineer and Construction Inspector(s) to perform the tasks required by the FHWA and the related LSRP and Archaeological tasks required by others to complete the project in accordance with NJDEP, USACE and SHPO requirements and the MOA.

- B. The City will review Qualification Statements only from those persons or entities that submit a Qualification Statement that includes all the information required to be included as described herein (in the sole judgment of the City). The City intends to qualify a person or entity that (a) possesses the highest professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under a fair and reasonable compensation arrangement negotiated during the final selection process pursuant to the Brooks Act.

1.2. Definitions

The following definitions shall apply to and are used in this Request for Qualifications:

“Archaeologist” or “Archaeological Monitor” – for this project, the term refers to a member of a firm who shall perform archaeological services. The Archaeological Monitor shall work in harmony with the construction engineer and oversee construction activities as required as an **Archaeological Monitoring Protocol** in the City’s Memorandum of Agreement (MOA) with the New Jersey State Historic Preservation Office (SHPO).

"Archaeological services" means – professional services of an archaeological nature which are required to be performed or approved by a person meeting the minimum professional qualifications in archeology, set forth in Archeology And Historic Preservation: Secretary of the Interior's Standards and Guidelines Professional Qualifications Standards Code of Federal Regulations, 36 CFR Part 61, to provide services such as those associated with research, documentation, data collection, artifact recovery, mitigation; and such other professional services archaeological in nature, or incidental services, which members of the archaeological professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, tests, evaluations, consultations, program management, and other related services.

“Brooks Act” – refers to Public Law 92-582, also known as Qualifications-Based Selection, which was enacted on October 18, 1972, establishes the procurement process by which architects and engineers are selected for procurement contracts with Federal agencies or local government agencies spending Federal dollars. The Brooks Act establishes a qualifications-based selection process, in which contracts for consultants are negotiated on the basis of demonstrated competence and qualification for the type of professional services required at a fair and reasonable price. Under qualifications-based selection procurement procedures, price quotations are not a consideration in the selection process.

There are seven basic steps involved in pursuing federal consultation work under qualifications-based selection procurement procedures:

1. Public solicitation for engineering services.
2. Submission of a statement of qualifications and supplemental statements of ability to perform specific services for which public announcements were made.
3. Evaluation of project-specific statements.
4. Development of a short-list of at least three submitting firms in order to conduct interviews with them.
5. Conduct interviews with the firms.
6. Develop a ranking of at least three of the most qualified firms.
7. Negotiation with the top ranked firm.

"City" - refers to the City of South Amboy.

“Construction Engineer” – refers to the firm or a member of the firm selected at the conclusion of this RFQ/RFP procurement process to act as the City’s representative during construction. All other professionals whose services are to be procured by issuance of the RFQ/RFP shall report to the Construction Engineer who shall in turn report to the City’s Responsible Charge. The Construction Engineer shall provide services compliant with Title 23 CFR 635, as required by the Federal Aid Highway Program. The specific tasks required of the Construction Engineer are described in Section 2 of this RFQ/RFP.

“Construction Inspector” – refers to an individual or individuals appointed by the Construction Engineer to provide supervision and detailed inspection to ensure construction is completed in accordance with the approved plans, specifications and other applicable regulations including but not limited to Title 23 CFR 635. The Construction Inspector shall report to the Resident Engineer. The specific tasks required of the Construction Inspector are described in Section 2 of this RFQ/RFP.

"Engineering services" means –professional services of an engineering nature, as defined by New Jersey State law, which are required to be performed or approved by a person licensed, registered, or certified to provide services such as those associated with research, planning, development, design, construction, alteration, or repair of real property; and such other professional services of an engineering nature, or incidental services, which members of the engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operation and maintenance manuals, and other related services.

“Expression of Interest” – a portion of the complete formal response to this RFQ/RFP which includes a Respondent’s minimum professional, administrative and financial qualifications as set forth in this RFQ/RFP.

“Firm” means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to do business in the state of New Jersey.

“LSRP” means – a Licensed Site Remediation Professional certified by the NJDEP under the Site Remediation Reform Act (SRRA). The LSRP shall be a member of a third party firm selected by the City. The LSRP shall perform all professional services associated with the remediation of the Site(s) in accordance with the Technical Requirements for Site Remediation (“Tech Regs,” N.J.A.C. 7:26E), the Administration Requirements for the Remediation of Contaminated Sites (“AARCS,” N.J.A.C. 7:26C), and the New Jersey Department of Environmental Protection (NJDEP)-approved Remedial Action Workplan(s) for the Site(s), as well as all other applicable laws, regulations, and rules.

"Qualification Statement" - refers to a complete response to this RFQ/RFP submitted by a Respondent. This shall include an Expression of Interest, Technical Scope of Work and Cost Proposal.

"Qualified Respondent" - refers to a Respondent who (in the sole judgment of the City) has satisfied the qualification criteria set forth in this RFQ/RFP.

“Resident Engineer” – refers to an individual appointed by the Construction Engineer to provide engineering oversight during construction. Construction Inspector(s) shall report to the Resident Engineer who shall in turn report to the Construction Engineer. The Resident Engineer shall be the point of contact for the contractor, who will be procured through a separate public bidding process. The Resident Engineer shall have the authority to direct work and the contractor has an obligation to proceed as directed to ensure that the work is in compliance with the plans and specifications. The Resident Engineer shall provide services compliant with Title 23 CFR 635, as required by the Federal Aid Highway Program. The specific tasks required of the Resident Engineer are described in Section 2 of this RFQ/RFP.

"Respondent" or "Respondents" - refers to any interested person or firm that submits a Qualification Statement.

"RFQ" - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

“Technical Scope of Work” – a portion of the complete formal response to this RFQ/RFP which includes a detailed Scope of Work, qualifications, responsibilities and deliverables as set forth in this RFQ/RFP.

1.3. Procurement Process and Schedule.

A. The selection of Qualified Respondents is not subject solely to the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* The selection process is also subject to the Federal Brooks Act, as aforementioned, due to the association with Federal funding. In addition to the following, the “City of South Amboy Procedure for Administration and Inspection of Federal Aid Highway Projects” is included herein by reference and guidance only; a copy can be obtained from the City of South Amboy.

Consultant services funded in whole or part with Federal Aid Highway Program funds must be procured and administered in accordance with the requirements of the Common Grant Rule, 49

CFR 18. Contracts funded in whole or in part, for engineering related services directly related to a construction project must comply with the requirements of 23 U.S.C.112 and 23 CFR 172 and 23 CFR 635. If the Federal laws and regulations require procedures that are at variance with the City's procedures under the City's "Procedure for Administration and Inspection of Federal Aid Highway Projects", the Federal requirements shall govern and be complied with.

The City is committed to competition on the basis of project-specific qualifications for Federally funded contracts. The selection on the basis of demonstrated professional competence is also known as "Qualification Based Selection. Qualification based selection is established by Federal legislation in the form of 40 U.S.C. (Brooks Act).

The City has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process, to assure that each person and/or entity is provided an equal opportunity to submit a Qualification Statement in response to the RFQ/RFP.

B. Qualification Statements will be evaluated and scored by committee. The evaluation committee shall contain a representative from the following and shall be the same throughout the evaluation of each section of the Qualification Statements:

- Office of the City Engineer
- NJDOT Local Aid (NJDOT BEPR may participate based on availability)
- Other City Departments/Divisions as appropriate (To be determined by the City's Business Administrator)

The Expression of Interest will be evaluated to determine if the Respondent has met the minimum professional, administrative and financial qualifications described in this RFQ/RFP. Then, the Expression of Interest will be scored and ranked based on the scoring criteria described in Exhibit G. Those respondents failing to satisfy the criteria in the Expression of Interest Phase shall be rejected. The committee shall come to an agreement on the selection among the remaining consultants that will be short listed for the opening of the Respondent's technical Scope of Work (TSW). The short list shall contain no less than three (3) consultants, however, more may be short listed if qualified and deemed in the best interest of the project by the committee. In the case of a small number (five or less) of Expressions of Interest submitted by Consultants, all Respondents may be short listed at the discretion of the Committee.

The City may open technical Scopes of Work submitted by short-listed consultants based on the Committee's recommendation. The non-short-listed Scopes of Work and cost proposals (those failing to meet the minimum requirements of the Expression of Interest Phase) shall remain sealed for return to the consultant at the conclusion of the process. The City, at its discretion, may then interview the short-listed Respondents. The evaluation committee will rank and score the TSW based on the scoring criteria described in Exhibit G.

The City will then enter into fee negotiations with the highest ranked Respondent. Fee negotiations shall be based on the scope of work described herein. Should the Respondent have any question regarding the scope of work in the RFQ/RFP, the Respondent should request clarification, in writing, before submitting their response. Any and all such interpretations/clarifications, if issued, shall be provided to all prospective Respondents by email and/or facsimile. Note that the scope of work cannot be changed during the negotiation process. Upon award of Contract, all unopened envelopes (TSW and/or Cost Proposals) shall be returned to the Respondents.

Under no circumstances will a member of the evaluation committee review responses to an RFQ/RFP for a job for which they or their firm submitted a response.

- C. The RFQ/RFP process commences with the issuance of this RFQ/RFP. The steps involved in the process and the anticipated completion dates are set forth in Table One, entitled "Procurement Schedule". The City reserves the right to, among other things, amend, modify or alter the procurement schedule upon notice to all potential Respondents.
- D. A copy of the Bid Documents (Plans, Specifications, MOA, Maps and Reports) are available for inspection during normal business hours. All communications concerning this RFQ/RFP or the RFQ/RFP process shall be directed to the City's Designated Contact Person, in writing.

The City's designated contact person is:

Mr. Glenn R. Skarzynski, MPA, Business Administrator
City of South Amboy
140 North Broadway
South Amboy, New Jersey 08879
(732) 525-5933

- E. Qualification Statements must be submitted to, and be received by, the City, via mail or hand delivery, **by 1:30 p.m. prevailing time on Wednesday, October 20, 2021**. Qualification Statements will not be accepted by facsimile transmission or e-mail.

All submissions must include **one (1) original, five (5) hard copies of the Qualification Statement and one (1) electronic .pdf file of only the Expression of Interest and the Technical Scope of Work for each proposal** delivered in a sealed envelope clearly marked with the name of the Respondent as well as the words "RFQ/RFP for Construction Engineering and Inspection Services associated with Construction of the South Amboy Ferry Terminal" on the outside of the envelope addressed to:

Deborah Brooks, City Clerk
City of South Amboy
140 North Broadway
South Amboy, New Jersey 08879

Note: Only one hard copy of the cost proposal is required and a .pdf file of the cost proposal will not be required.

Qualification Statements shall be submitted in three separated and sealed parts: Expression of Interest, Technical Scope of Work and Cost Proposal. Each part shall be sealed separately and shall be clearly labeled "Expression of Interest", "Technical Scope of Work" and "Cost Proposal" respectively. Each part shall also be labeled with the Respondent's contact information.

- F. Subsequent to issuance of this RFQ, the City (through the issuance of addenda to all persons or entities that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ/RFP in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the City. All modifications, supplements, amendments and inquiry responses shall be supplied to all Respondents.

PROCUREMENT SCHEDULE

ACTIVITY	DATE
Issuance of Request for Qualifications	Tuesday, August 24, 2021
Advertisement one day per week for three weeks August 24, August 31 and September 7 , Three (3) consecutive Tuesdays then re-advertised in local newspapers, the New Jersey League of Municipalities web site and on the City of South Amboy web site (www.southamboyne.gov).	
Receipt of Qualification Statements	Wednesday, October 20, 2021 at 1:30 p.m.
Qualification Statements include Expression of Interest, Technical Scope of Work and Cost Proposal, each sealed separately. Original and five (5) hard copies and a .pdf of the Expression of Interest and the Technical Scope of Work	
Opening of Qualification Statements	Wednesday, October 20, 2021 at 1:30 p.m.
Evaluation, scoring and ranking of Expression of Interest, and ranking to generate shortlist of Qualified Respondents	Wednesday, October 27, 2021
Evaluation, scoring and ranking of Technical Scope of Work, and ranking of Qualified Respondents	Wednesday, November 10, 2021
Anticipated interview/meeting(s) with Qualified Respondent(s)	Wednesday, November 24, 2021
Negotiation with the highest qualified Qualified Respondent with respect to Terms and conditions of agreement, Including fair and reasonable prices	Wednesday, December 1, 2021
Anticipated Appointment of Qualified Respondent	Wednesday, December 15, 2021

1.4. Conditions Applicable to RFQ/RFP.

- A. Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:
1. This document is a Request for Qualifications (RFQ) and a Request for Proposals (RFP).
 2. All costs incurred by the Respondent in connection with responding to this RFQ/RFP shall be borne solely by the Respondent.
 3. The City reserves the right (in its sole judgment) to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ/RFP from further consideration for this procurement.

4. The City reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ/RFP. Any and all rejections shall be documented
 5. The City reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information from Respondents. All modifications, supplements, amendments and inquiries shall be made available to all Respondents.
 6. All Qualification Statements shall become the property of the City and shall not be returned if opened.
 7. All Qualification Statements will be made available to the public at the appropriate time, as determined by the City (in the exercise of its sole discretion) in accordance with applicable law.
 8. The City may request Respondents to send representatives to the City for interviews.
 9. Any and all Qualification Statements not received by the City by **1:30 p.m. prevailing time on Wednesday, October 20, 2021** shall be rejected.
- B. Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents that neither the City, nor their respective staffs, consultants or advisors (including but not limited to the evaluation committee) shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.
- C. No firm intending to submit a proposal or any employee of any firm intending to submit a proposal shall contact any City of South Amboy employee for any reason either directly or indirectly related to this Request for Proposal. Any firm found violating this policy will be automatically disqualified from submitting a proposal.

1.5. Rights of the City.

- A. The City reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ/RFP and the procurement process in accordance with the provisions of applicable law:
1. To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ/RFP.
 2. To supplement, amend or otherwise modify the RFQ/RFP through issuance of addenda to all prospective Respondents who have received a copy of this RFQ/RFP.
 3. To waive any technical non-conformance with the terms of this RFQ/RFP for all respondents. This right shall extend to all aspects of the Qualification Statement; i.e., Expression of Interest, Technical Scope of Work and Cost Proposal.

4. To change or alter the schedule for any events called for in this RFQ/RFP upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ/RFP.
 5. To conduct investigations of any or all of the Respondents, as the City deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
 6. To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion). If terminated, the City may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents, unless provided for by applicable law.
- B. The City shall be under no obligation to complete all or any portion of the procurement process described in this RFQ/RFP.

1.6 Addenda or Amendments to RFQ/RFP.

During the period provided for the preparation of responses to the RFQ/RFP, the City may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the City and shall constitute a part of the RFQ/RFP. All responses to the RFQ/RFP shall be prepared with full consideration of the addenda issued prior to the response submission date.

1.7 Cost of Response Preparation.

Each response and all information required to be submitted pursuant to the RFQ/RFP shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the City, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ/RFP.

1.8 Response Format.

Responses should cover all information requested in the Questions to be answered in this RFQ/RFP. Responses which in the judgment of the City fail to meet the requirements of the RFQ/RFP or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected. As noted below, SF Form 330 may be utilized in connection with the submission of a Qualification Statement.

SECTION TWO

SCOPE OF SERVICES

2.1 Overview

It is the intent of the City to solicit Qualification Statements from Respondents that have expertise in the provision of all aspects of Construction Engineering and Inspection services and can provide Construction Engineering, including Construction Inspection and Resident Engineer oversight in conformance with Federal requirements. Respondents shall have expertise in the provision of all aspects of said services, including but not limited to all aspects of applicable public bidding laws and contracts, handling of all types of capital improvement construction projects, knowledge of funding sources and filings, demonstrated experience with the administration and oversight of all aspects of site construction, waterfront development and similar projects. Respondent shall be responsible for attendance at Council and other assigned meetings as required during the Project, assistance to the City when necessary in connection with the Project, knowledge of Federal, State and other applicable laws and regulations for construction, environmental, wetlands, zoning, and other applicable areas of required services. **Respondents shall demonstrate knowledge of municipal and public entity laws and regulations regarding construction engineering and construction management activities. In addition, respondents should have a knowledge and expertise of bathymetric and topographic surveys, geotechnical engineering, bulkhead structural design, landscaping, lighting and knowledge of historic rules and laws and monitoring activities. Persons or entities responding to this RFQ/RFP must be able to demonstrate that they will have the continuing capabilities to perform these services.** A copy of the Project Description for the Project, which describes the Project in additional detail, is appended hereto as Exhibit A.

The Construction Engineer shall not be required to provide Construction Support Services (CSS) such as the review of samples, shop drawings, requests for information (RFI's) and for design interpretations. Furthermore, the Construction Engineer will not be responsible to prepare design change plans. Should a design change become necessary on a construction project the design engineer who prepared the construction project design will prepare the necessary design change plans. Such design change plans shall be in the same layout and on reproducible mylars and digital media in a format compatible with the City of South Amboy's CADD software used for the original design plans. Should the project's specifications also need to be revised as a result of the design change, the design engineer will also prepare the specifications, as may be necessary to construct the changes to the project.

The Construction Engineer shall be a New Jersey licensed professional engineer (P.E.), having a minimum of ten (10) years of continuous experience as a design, construction and appointed municipal engineer in the State of New Jersey. When required, the Construction Engineer shall provide services necessary to review and make recommendations concerning design changes, repairs, re-construction and modifications necessitated by unanticipated environmental or historical issues/or improvements to the proposed infrastructure. The Construction Engineer shall, when requested, prepare plans and specifications for the implementation of required changes or modifications in the design associated with the Project.

2.2 Work Item Details

The City is constructing a ferry terminal facility to establish scheduled passenger ferry service between South Amboy and Manhattan. The proposed construction includes access roadways, curbing and sidewalks, landscaping, parking, site lighting & security, water, sewer, electric and communication services, bulkheads, dredging and a floating dock. The construction of a terminal building is also being planned, with its location presented on the project site plan. However, the terminal building is not part of the work and the building

will be constructed at a later date.

In constructing the proposed project, the following work will be performed:

- Site clearing.
- Installation of soil erosion and sediment control measures.
- Excavation and disposal of previously identified, regulated soil and groundwater.
- Dredging of sediment, to be amended with cement and utilized as upland fill.
- Installation of steel sheet piling with anchors, a concrete cap and railing.
- Placement and compaction of fill to raise site grades.
- Installation of pervious pavement and an underdrain system.
- Installation of curbing, sidewalks and site lighting.
- Installation of manholes, catch basins and concrete stormwater pipe.
- Installation of gas, electric, sewer and water utilities, including a pump station.
- Installation of fiber optic, telephone and internet service.
- Installation of a floating barge with an articulating access ramp, spud piles and dolphins.
- Installation of ground markers, interpretive signs and other accommodations to identify and document the site's history.
- Installation of Landscaping and a Canopy Structure.

In accomplishing the proposed work, the contractor shall take care not to unnecessarily disturb existing improvements including those below the ground surface. All excavations at the site must be performed under the oversight of the City's qualified archaeologist or their designee. The overall grades are being raised to minimize the need for such excavations.

Estimated Construction Amount: \$ 21,300,000 +/-

Funding: Federal Funding and State Funding for 100% Construction Engineering Services

Term of Contract: Construction duration is estimated to be 22 months (660 days). The Construction Engineer will commence service during the pre-construction period and continue performing required services until project completion and close-out.

DBE goal: 0.00 %

NJDOT Cost Basis Approval is required and must be NJDOT approved for Construction Engineering and Inspection. Cost Based Accounting must be approved for the Prime Consultant and each Sub-Consultant prior to the commencement of negotiations.

2.3 Technical Scope of Work

Specific tasks required of the Construction Engineer shall include, at a minimum:

- Provide a full time Resident Engineer to act as the City's representative in dealings with the contractor, during construction.

- The same Resident Engineer shall provide construction oversight and compliance through full time construction inspector(s) assigned to the project.
- Provide NICET (or equivalent) construction inspection, observe the progress and quality of the executed work to determine, in general, if the work is proceeding according to the contract documents.
- Notify the NJDOT of start of construction in writing (prior to start of construction).
- Engage in ongoing communication with and provide submittals to the NJDOT.
- The Construction Engineer, in consultation with the City's representative, is authorized to make changes to the contract documents for technical and/or regulatory compliance. Any changes shall be authorized by the NJDOT prior to the execution of the work.
- The Construction Engineer shall provide the following:
 - Adequate staffing to meet the minimum requirements as described herein.
 - Suitable equipment
 - Obligation to perform detailed inspections
 - Detail documentation in support of payment of completed work
 - Verification of delivery and quality of materials
 - Monitoring for compliance with federal regulations
 - Responsibility of Consultant to be aware of applicable Federal Regulations and to be compliant.

Specific tasks required of the Construction Inspector shall include, at a minimum:

- Supervision and detailed construction inspection to ensure construction is completed in accordance with the approved plans, specifications and Title 23 CFR 635.
- The field inspector (s) are to protect the public's interest and to insure the number, size, and characteristics comply with the plans/specs and have documented the effort and compliance.
- Compliance with 23 CFR 635.123 will require the development of "Source Documentation". The documentation consists of handwritten notes of:
 - Counts
 - Measurements of quantities
 - Calculation of areas, volumes, weights, etc.
 - Sketches
 - Statement of compliance with contract documents
 - Field changes
 - Delivery tickets collected.

- Source Documentation shall include the following:
 - Testing of materials documented
 - On-site testing
 - Off-site testing
 - Form DC-29 shall be used and instructions followed. Equivalent local or consultant form may be used.
 - Form DC-29 to be supplemented as necessary with field notes and photographs
 - Documentation compliance with specs.
 - Inspection reports are signed and dated by inspectors.
 - Resident Engineer reviews and signs indicating concurrence with daily inspection reports.

Specific tasks required of the Resident Engineer shall include, at a minimum:

- Supervising the proper on-site fulfillment of the Contract by working with the Contractor and taking required action to correct deficiencies.
- Request that the Construction Engineer develop a change of plan, if such a change is necessary.
- Consult with the Construction Engineer on any matter in which advice is required.
- Consult with others, including the City's LSRP and the City's Archaeological Consultant, on technical and other matters when such consultation is necessary to ensure compliance with the applicable regulations and procedures applicable to the project which are outside the Resident Engineer's area of expertise or are specifically included in tasks required of others as described within this RFQ/RFP.
- Provide proper inspection coverage of the project at all times to ensure compliance with the contract.
- Document existing conditions within and adjacent to the project site to the extent practical.
- Take action to maintain proper relations with all entities or outside individuals when necessary including but not limited to local government or authorities, businesses and private residences which are impacted.
- Assure the safe and proper accommodations are made for vehicular and pedestrian traffic throughout the duration of the project. The Resident Engineer shall coordinate with the Construction Engineer and others if action must be taken to improve conditions, if required.
- Maintain a project specific (RE) diary of all project related observations and conversations/directions given to both the Contractor and others. This diary should contain information relative to the project which is not covered by a specific report and information pertinent to the overall responsibility of the RE. Each project is to have a separate RE diary. The RE is to maintain this diary under their personal control but make it available to his superiors, representatives of the NJDOT, Federal Highway Administration (FHWA) or other authorized agents. The diary should be boxed with the project records.
- Quantities contained in a request for pay by the contractor shall be negotiated with Resident Engineer.

- Make and maintain all required reports and records that are required of a Resident Engineer and coordinate reporting with the other professionals on the team. Ensure that all reports are submitted in a timely manner.
- Ensure sampling and testing of materials are scheduled and completed in accordance with the minimum sampling and testing frequencies by authorized personnel using the specified methods and equipment to ensure that all materials incorporated into the project comply with the specification requirements.
- Quantities contained in a request for payment shall be fully supported by written documentation. Supporting documentation shall accompany each payment request. Quantities not supported by written documentation shall not be contained in a request for payment.
- Resident Engineer shall prepare and maintain a separate item summary sheet for each contract item. Each individual sheet shall contain at a minimum:
 - Item #
 - Item Name
 - Contract price
 - Contract quantity
 - Date work performed on item
 - Quantity of work performance date
 - Location of work
 - References to job diary/inspection reports documentation showing compliance with contract.
 - Total quantity requested for payment
 - Quantity requested for payment for pay period
 - Total quantity approved for payment to date
 - Quantity approved for payment for pay period
- Item summary sheets shall be submitted with each contractor pay request as part of the supporting documentation.
- Pay request shall be submitted to the City appointed person in responsible charge.
 - The person in responsible charge shall review the request to ensure proper payments are being recommended.
 - The recommendation shall be concurred with by the City Engineer and Chief Financial Officer and then added to the bills list presented to the South Amboy City Council.
 - When contractor payment is made, reimbursement of the monies may be requested by preparation and submission of a State payment voucher.
- Resident Engineer shall monitor prevailing wage rate requirement submissions. The City's prevailing wage officer (QPA) shall receive prevailing wage documentation and maintain the file records.

- All work performed to fulfill environmental commitments and/or permits requirements shall be identified with documentation of compliance in the daily inspection reports.
- All pedestrian facilities shall be constructed in accordance with the American with Disabilities Act. City projects will comply with 28 CFR 35 and Public right-of-way Accessibility Guidelines.
- Resident Engineer shall check and complete a City ADA check list for each curb ramp (if applicable).
- Resident Engineer shall check and complete an ADA checklist for each traffic signal (if applicable).
- ADA facilities proposed to be non-compliant shall have documentation which includes supportive work, findings, and justification of decision for inclusion in the permanent project record.
- All steel and iron products permanently incorporated into a Federally Funded project shall be manufactured in the United States. (23CFR 635.410). The Resident Engineer shall document compliance.
- Federal participation or non-participation on the payment of an item within a Federally funded contract shall not change the obligation to comply with the requirements of 23 CFR 635.410.
- The application of coatings for steel and iron products shall occur in the United States as per 23 CFR 635.410 (b) (1). The Resident Engineer shall document compliance.
- Waiver requests shall be submitted in compliance with 23 CFR 635.410. Waiver requests shall only be sought in rare and justifiable circumstances. The Resident Engineer shall document compliance.
- Minimum use of foreign steel or iron is no longer permissible. The Resident Engineer shall document compliance.
- Field personnel shall receive buy America certifications at the time of delivery. Recognition of the need for certification may be provided at time of order, however a current up-to-date certification must still be provided at the time of delivery.
- Steel and iron products which involve manufacturing or coatings at different locations shall have certifications from each manufacturer.
- Resident Engineer shall monitor compliance with DBE/ESBE goals.
- Resident Engineer will continuously monitor the contractor during the course of work for fulfillment of DBE/ESBE goals.
- The presence of DBE contractors working shall be included in daily inspection reports.
- The Resident Engineer shall obtain a copy of the approved Schedule of Participation DBE/ESBE form CR-266 to establish contractor's plan to achieve goals. The NJDOT Division of Civil Rights shall approve the Schedule of Participation.

- When work is performed on items identified to be performed by DBE/ESBE the Resident Engineer shall:
 - Establish identity of party performing work on item
 - Document work in daily inspection reports and separate item summary sheets
 - Confirm subcontractor DBE/ESBE status.

Basis for Work

The following documents represent the basis for the work to be conducted and are available for review at the City’s office.

Construction Plans (65 drawings more or less) prepared by French and Parrello Associates:

**SOUTH AMBOY FERRY TERMINAL
BLOCK 161.02 LOTS 25.07, 25.08 & 90.01
CITY OF SOUTH AMBOY
MIDDLESEX COUNTY, NEW JERSEY**

Specifications prepared by French and Parrello Associates:

**CITY OF SOUTH AMBOY
MIDDLESEX COUNTY, NEW JERSEY**

**Standard Form
Contract & Bond
General Requirements
Bidding Sheets
And**

**SPECIAL PROVISIONS FOR THE
SOUTH AMBOY FERRY TERMINAL – SITE DEVELOPMENT
MIDDLESEX COUNTY, NEW JERSEY**

2.4 Estimated Schedule for the Performance and Delivery of Services

The Engineer’s obligation to render services shall begin at the notice to proceed and start with attendance at the pre-construction conference and extend through the utility relocation phase, construction, punch-list work, final payment authorization, and final close-out of the project in accordance with the construction project schedule. Any modifications must be approved by the City of South Amboy. At this time, it is estimated that all construction work stipulated in this RFQ/RFP shall be completed within 22 months (660 calendar days) from the date of the construction contract award. During the execution of the consultant contract the Construction Engineer shall be responsible for delivering services described in Sections 2.3 and 2.4 in a timely and efficient manner so as not to delay the execution of the work.

The consulting engineering services called for in this RFQ/RFP shall be completed within the stipulated and/or proposed time periods indicated. Failure to provide the contract services within the stipulated time periods shall constitute a breach of contract entitling the City of South Amboy to proceed with all available legal remedies at its disposal.

The Construction Engineer is responsible for submitting all deliverable work products on or before the construction project close-out date. As appropriate for the type of work ordered, the deliverables shall include all of the following or such other items as may be directed in the RFQ/RFP:

- a. Change Orders and related explanations & documents.
- b. NJDOT required documents.
- c. Punchlist Work, Punchlist completion and Project Completion Certification.
- d. Original Pre-construction DVD movie of entire existing conditions for the work area and the immediate area along the sides of the project work area.
- e. All project related notes and documents, including as-built plans

The Construction Engineer may also be required to perform services and provide deliverables at such time as services or deliverables are requested by the City or other agencies having jurisdiction.

2.5 Services to be Provided by the Design Engineer

The City has engaged the services of the design engineer to provide certain Construction Support Services that shall include but not be limited to the review of shop drawings, responding to requests for information and the need to evaluate substitutions.

The Design Engineer shall review and approve shop drawings and other data which the contractor is required to submit, for conformance with the design concept of the project and compliance with the information given in the contract documents.

The Design Engineer shall evaluate and determine the acceptability of substitute materials and equipment proposed by the Contractor to determine the equivalency of the substitute materials and equipment under the terms and conditions of the contract specifications.

When the Design Engineer deems it necessary or advisable for implementing the intent of the construction contract documents, the Engineer will have the authority to require additional inspection or testing of the construction contractor's work in accordance with the contract documents and at the contractor's expense.

The Construction Engineer will not be responsible to prepare design change plans. Should a design change become necessary, the Design Engineer who prepared the construction project design will prepare the necessary design change plans. Such design change plans shall be in the same layout and on media in a format compatible with the original design plans. Should the project's specifications also need to be revised as a result of the design change, the design engineer will also prepare the specifications, as may be necessary to construct the changes to the project.

SECTION THREE

SUBMISSION REQUIREMENTS

3.1 General Requirements.

- A. The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section Three and shall incorporate the information requested below. Although not specifically required, Federal Form SF 330 may be utilized to submit the Qualification Statement, as this RFQ/RFP is issued pursuant to the requirements of the Brooks Act, as aforementioned. SF Form 330 is appended hereto as Exhibit B.
- B. In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.
- C. Qualification Statements shall be submitted in three parts: Expression of Interest, Technical Scope of Work and Cost Proposal. Each part shall be sealed separately and shall be clearly labeled "Expression of Interest", "Technical Scope of Work" and "Cost Proposal" respectively. Each part shall also be labeled with the Respondent's contact information. Respondents shall submit one (1) original, five (5) copies of the Expression of Interest and Technical Scope of Work and a .pdf electronic file. Only one (1) "Cost Proposal" is required.
- D. The following language MUST be included in all federal project solicitations and bid packages:
- "Proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.2, et seq., and as such, contractors are exempt from the limitations on making political contributions under that law. Further, for that reason, as well as because of a language in the New Jersey's Annual Appropriations Act, refusal to disclose campaign contributions otherwise required by N.J.S.A. 19:44A-20.2 et seq. and 19:44A-20.25 et seq., will not adversely affect your consideration for award."
- E. A completed Affirmative Action Certification form is required for all items that identify a DBE goal. The consultant must identify the DBE firms with which it intends to subcontract. Include the contract participation percentage of each DBE and list what the DBE will be subcontracted to perform on the Affirmative Action Certification Form. Copies of DBE certifications, as issued by NJDOT, for each firm listed are to be included as additional pages after the form. If the consultant does not meet the DBE goal, the consultant must provide documentations on additional pages that it has made good faith efforts to achieve the DBE goal. Please review the DBE program based on any goals set and complete the DBE Affirmative Action Certification form as applicable. What constitutes good faith efforts is explained in detail within the DBE program information referred to above. If no goal is set then no Affirmative Action Certification form is required. New Jersey Department of Transportation's (NJDOT) DBE Program Information is available at the NJDOT's website. A listing of certified DBE's eligible to be considered for selection as prime consultants or sub-consultants for this RFP can be found at the NJDOT's website.

<http://www.njucp.net>

DBE subcontracting goals apply to all prime submitting consultants, regardless of the prime's status of DBE.

For this Agreement, the DBE or ESBE goal (Federal Aid Contracts), as established by the STATE, shall be at minimum:

An updated Certified Firm list may be obtained from the Department's Web Site at:

<http://www.state.nj.us/transportation/business/procurement/ProfServ/information.shtm>

or by contacting the Office of Civil Rights/Affirmative Action at 609-963-2050.

Failure to make a good faith effort to meet the established goal may be cause for canceling negotiations with a selected firm and selecting a new firm. See link below, for eligibility, application and certification process for DBE/ESBE:

<http://www.state.nj.us/transportation/business/civilrights/dbe.shtm>

For additional information on DBE certification you may call (609)-963-2051.

F. A Submission Checklist is included under Exhibit H for reference.

3.2 Expression of Interest - Administrative Information Requirements

A. Expression of Interest shall be submitted as part of the Qualifications Statement but shall be sealed separately and clearly labeled "Expression of Interest" with the Respondents contact information.

B. The Respondent shall, as part of its Qualification Statement, provide the following information:

1. An executive summary (not to exceed two pages) of the information contained in all the other parts of the Expression of Interest.

2. An executed Letter of Qualification (See Exhibit C to this RFQ).

3. Name, address, telephone number, fax number and email address of the firm or firms submitting the Qualification Statement pursuant to this RFQ, and the name of the key contact person.

4. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and its organizational structure.

(a) Provide the names and business addresses of all principals of the firm or firms submitting the Qualification Statement. For purposes of this RFQ, "principals" shall mean persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, principals shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of 10% or more in the firm.

(b) If a firm is a partially-owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parent's approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.

- (c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
- (d) List all immediate relatives of the principal(s) of Respondent who are City employees or elected officials of the City. For purposes of the above, “immediate relative” means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.
- 5. A statement that the Respondent is in compliance with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
- 6. An executed Letter of Intent (See Exhibit D).
- 7. The number of years the organization has been in business under the present name.
- 8. The number of years the business organization has been under the current management.
- 9. A statement of any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
- 10. A statement listing whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten years. If yes, please explain.
- 11. A statement confirming appropriate federal and state licenses to perform activities required by this RFQ/RFP.
- 12. A statement affirming that, to the best of its knowledge, there are no circumstances that shall cause a conflict of interest in performing services for the City.
- 13. A statement that ensures the validity of the information provided for ninety (90) days from submittal.
- 14. A statement confirming that Respondent is not debarred, suspended or otherwise excluded from participation in Federal assistance programs.
- 15. The City is firmly committed to providing equal employment and business opportunities to all persons regardless of race, color, religion, sex, national origin, age or disability. Respondents submitting responses to this RFQ/RFP shall not discriminate against any employee, applicant for employment or independent contractor on the basis of race, color, religion, sex, national origin, age or disability and agrees to abide by all anti-discrimination laws. The City also complies with all applicable laws as to Equal Opportunity and Affirmative Action. All Respondents shall submit a statement confirming their commitment to the foregoing.

16. Attach the following forms that are required by the City of South Amboy.

- Statement of Ownership Disclosure
- Non-Collusion Affidavit
- Business Entity Disclosure Certification
- Affirmative Action Compliance Notice
- Mandatory Equal Employment Opportunity Language
- Americans With Disabilities Act of 1990 - Equal Opportunity for Individuals with Disability
- Certificate of Employee Information Report **
- Insurance Requirements and Acknowledgement Form **
- New Jersey Business Registration Certificate **
- Certificate of Authorization **
- Affirmative Action Certification
- Disclosure of Investment Activities in Iran

** These forms are not provided by the City of South Amboy but must be provided as part of any proposal.

17. Respondents shall submit a DBE/ESBE identification and compliance plan.

3.3 Technical Scope of Work - Professional Information Requirements.

- A. Technical Scope of Work shall be submitted as part of the Qualifications Statement but shall be sealed separately and clearly labeled “Technical Scope of Work” with the Respondents contact information.
- B. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ/RFP. SF Form 330 or an equivalent statement may be utilized for the submission of overall experience. The Respondent shall address the specific tasks required under Section Two of this RFQ/RFP in the description of experience. At a minimum, the following information on past experience should be included as appropriate to the RFQ:
1. Name, address and contact information of references;
 2. Description and scope of work by Respondent in similar services rendered as are sought by the City;
 3. Explanation of perceived relevance of the past or present experience to the services sought under this RFQ;
 4. Describe the services that Respondent would perform directly. Describe the services that others associated with the Respondent would perform.

5. Provide a narrative statement providing your understanding of the City's needs and goals in connection with the Project.
6. Describe those portions of the Respondent's services, if any, that are sub-contracted out. Identify all subcontractors the Respondent anticipates using in connection with this project.
7. Attach resumes of key employees.

3.4 Cost Proposals.

1. Cost Proposals shall be submitted as part of the Qualifications Statement but shall be sealed separately and clearly labeled "Cost Proposal" with the Respondents contact information.
2. Cost Proposals shall contain the name, address, telephone number, fax number and email address of the firm or firms submitting the Cost Proposal pursuant to this RFQ, and the name of the key contact person.
3. The Cost Proposal shall be valid for ninety (90) days from submittal.
4. Cost Proposals shall not be considered in the Expression of Interest or Technical Scope of Work evaluation process.
5. Prior to negotiations, the prime consultant, and each sub-consultant (A/E firm) must be approved by NJDOT for Cost Basis Accounting. Please visit:

<http://www.state.nj.us/transportation/business/procurement/ProfServ/CostBasisApprov.shtm>

for additional guidance and requirements. To use Federal-aid funds, the firm selected must either be cost basis approved by NJDOT, or must have its accounting system and a provisional overhead rate approved by NJDOT, prior to A/E firm negotiations. This will require submittal of a self-certified or CPA certified financial package or a cognizant agency audit. A final overhead or indirect cost rate will be required prior to project close-out for cost-plus fixed fee type contracts.

- Allowable cost shall be those cost directly associated with the specific contract as well as overhead costs, also known as indirect cost rate.
- Contract to be consistent with Federal Acquisition Regulations (FAR) cost principals.
- The NJDOT approved overhead rate must be used for the purpose of negotiating the contract and making payments on the contract.

6. Method of Payment

The method of payment that shall be used for this project is cost plus fixed fee. This method of payment reimburses the consultant for its direct and indirect costs (salary, overhead, direct expenses) in addition to a negotiated amount as a fixed fee. This type of agreement is typically used for projects where the level of effort is unknown or the final objectives cannot be fully identified or precisely defined. **Prior to negotiations, the prime consultant, and each sub-consultant (A/E firm) must be approved by NJDOT for Cost Basis. Please visit this web site for additional guidance and requirements.**

<http://www.state.nj.us/transportation/business/procurement/ProfServ/CostBasisApprov.shtm>

The City, at its sole discretion, reserves the right to waive non-conformance with the terms of the Qualification Statement; i.e., Expression of Interest, Technical Scope of Work and Cost Proposal.

3.5 Mediation Provisions for Construction Contracts

Notwithstanding any other provisions forth elsewhere in this RFP or other Contract Documents, for any construction contract to which N.J.S.A. 40A:11-50 is applicable, either party to the contract may demand that a dispute concerning whether a party has failed to make payments pursuant to the provisions of N.J.S.A. 2A:30A-1 et. seq., or perform Work as required by the Contract Document be submitted to Alternative Dispute Resolution through non-binding mediation. South Amboy's mediation provisions are described in Exhibit F - Mediation Provisions for Construction Contracts

SECTION FOUR

INSTRUCTIONS TO RESPONDENTS

4.1 Submission of Qualification Statements.

- A. All submissions must include **one (1) original, five (5) hard copies of the Qualification Statement and one (1) electronic .pdf file of only the Expression of Interest and the Technical Scope of Work for each proposal** delivered in a sealed envelope clearly marked with the name of the Respondent as well as the words “RFQ/RFP for Construction Engineering and Inspection Services associated with Construction of the South Amboy Ferry Terminal” on the outside of the envelope addressed to:

**Deborah Brooks, City Clerk
City of South Amboy
140 North Broadway
South Amboy, New Jersey 08879**

Note: Only one hard copy of the cost proposal is required and a .pdf file of the cost proposal will not be required.

- B. Qualification Statements must be received by the City **no later than 1:30 p.m. (prevailing time) on Wednesday, October 20, 2021** and must be mailed or hand-delivered. Qualification Statements forwarded by facsimile or e-mail will not be accepted. Qualification Statements received after this time will not be considered. The City will not bear responsibility for delays in delivery for any reason.
- C. To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. Qualification Statements and all related information must be bound, and signed and acknowledged by the Respondent.

SECTION FIVE

EVALUATION

- A. The City's objective in soliciting Qualification Statements is to enable it to select a person or entity that will provide high quality and fair and reasonably priced services to the City. The City will consider Qualification Statements only from persons or entities that, in the City's judgment, have demonstrated the capability and willingness to provide a high quality of service to the City in the manner described in this RFQ/RFP.
- B. Responses will be evaluated, scored and ranked by the City's evaluation committee to provide the City with a qualified and advantageous submission. The evaluation process will include:

5.1 Expression of Interest

The Expression of Interest will be evaluated to determine if the Respondent has met the minimum professional, administrative and financial qualifications described in this RFQ/RFP. The Expression of Interest will be scored and ranked based on the scoring criteria described in Exhibit G. The committee shall come to an agreement on the selection of Respondents to be short listed for the opening of the Respondent's technical Scope of Work (TSW). The short list shall contain no less than three (3) consultants, however, more may be short listed if qualified and deemed in the best interest of the project by the committee. In the case of a small number (five or less) of Expressions of Interest submitted by Respondents all may be short listed at the discretion of the Committee.

Submission requirements for the Expression of Interest are listed under section 3.2.
Scoring criteria for the Expression of Interest are described in Exhibit G.

5.2 Technical Scope of Work

The City shall open technical Scopes of Work submitted by short listed Respondents based on the Committee's recommendation. The non short listed Scopes of Work and cost proposals shall remain sealed for return to the Respondent at the conclusion of the process. The evaluation committee will rank and score the TSW based on the scoring criteria described in Exhibit G.

Submission requirements for the Technical Scope of Work are listed under section 3.2.
Scoring criteria for the Technical Scope of Work are described in Exhibit G.

5.3 Interview

At its discretion, the City will extend an invitation to interview the short listed Respondents. The presentation will be evaluated and scored based on the criteria described in Exhibit G. The evaluation committee will rank and score the presentation based on the scoring criteria described in Exhibit G. The committee shall come to an agreement on the selection of the highest ranked Respondent.

Scoring criteria for the Interview is described in Exhibit G.

5.4 Fee Negotiations

The City and/or its independent estimator shall prepare a cost estimate based on the project Scope of Work for use in fee negotiations.

Negotiation of costs and contract terms shall be started with the number one ranked Respondent.

The cost proposal of the number one ranked Respondent shall be the only cost proposal envelope opened until successful negotiations are completed or negotiations are terminated by written notice.

The process shall be repeated for each firm by rank until a successful negotiation of a contract is achieved.

Upon award of Contract, all unopened envelopes (Technical Scope of Work and/or Cost Proposals) shall be returned to the Respondents.

EXHIBIT A PROJECT DESCRIPTION

The City of South Amboy has entered into an Agreement with the Federal Highway Administration, the U.S. Army Corps of Engineers (USACE) and the New Jersey State Historic Preservation Office (SHPO) to construct a ferry facility (including the access roadway, a parking lot of sufficient size to support the ferry terminal operation, the ferry terminal and in-water improvements) to accommodate up to three ferry vessels in the City of South Amboy using funds provided by the Federal Highway Administration (FHWA) via the New Jersey Department of Transportation (NJDOT).

For the purposes of funding, design, permitting and construction, the project was broken into four project phases; [1] the Main Street Bridge, [2] Radford Ferry Road Phase I, [3] Radford Ferry Road Phase II and [4] Intermodal Ferry Transportation Facility. The Main Street Bridge project was completed in the Spring of 2007 and the construction of the Radford Ferry Road Phase I project (initiated in April of 2007) was completed in May 2009. The third phase of the project (Radford Ferry Road Phase II) was the construction of a 750 ft. extension of the roadway extending from the new bridge and short segment of Radford Ferry Road Phase I in an Easterly direction, toward Raritan Bay. The design for the Ferry Terminal Facility is now complete.

The Ferry Terminal Facility is the fourth and final phase of the project and will involve the construction of the parking lot, the ferry terminal, modifications to the bulkhead and in-water facilities along with supporting utilities. With the exception of the Ferry Terminal Building, which will be part of a future project, all work described in this final phase is the subject of this RFQ/RFP.

Construction Engineering Oversight

Construction Engineering services rendered in association with projects funded in whole or part with Federal Aid Highway Program funds must comply with Title 23 CFR 635 which sets forth specific requirements related to Resident Engineering and Construction Inspection services. The City of South Amboy, by issuance of this RFQ/RFP, intends to procure the services of a Construction Engineer to perform the requisite Resident Engineer and Construction Inspection tasks required by the FHWA and any related tasks required to complete the project in accordance with NJDEP requirements, NJDOT requirements and the MOA.

Archaeological and Historic Concerns

The City of South Amboy has entered into an Agreement with the Federal Highway Administration, The U.S. Army Corps. Of Engineers and the New Jersey State Historic Preservation Office (SHPO) to construct the Project. In accordance with that agreement, it has been determined, that background and field research have indicated that physical remains of the Camden and Amboy [ca. 1831 - 1871] and Pennsylvania [ca. 1871- 1965] Railroads exist within and beyond the project area, but the integrity of the physical remains is low. The historic significance of the property within the project area relates primarily to it being the location of nationally significant events, the feeling or sense of place conveyed by the few physical remains, and the setting of the former rail yard and piers. Consultants have compiled an inventory of visible railroad remains and found that only catenary structures and displaced stone sleepers, and two coal thawing sheds and associated infrastructure remain intact.

The FHWA has determined that the construction of this project as proposed may have an adverse effect on the Camden & Amboy Railroad (Main Line) Historic District due to the alteration and/or removal of

artifacts that exist at the site; catenary structures and stone sleepers. The NJDOT and FHWA have considered alternatives to avoid or minimize the adverse effects and have found that they are not feasible.

However, a Camden and Amboy corridor management study identified appropriate mitigation strategies and additional opportunities which were considered by the project sponsors in developing a mitigation program to offset the adverse effects of the proposed construction. To that end, and to address those concerns, elements have been included in the site design and will be constructed as part of this project.

As part of the agreement, The City of South Amboy has agreed to use the services of a consultant and prior to the initiation of any construction, construction inspectors and contractors shall be informed about the need for identification, evaluation and protection of historic properties and that they are informed of all stipulations in the **Memorandum of Agreement** (attached).

The City is required to develop an archeological monitoring/data recovery procedure, which provides for notification and coordination with NJDOT, SHPO and FHWA should historic resources and/or features be uncovered during construction. The procedure shall provide for immediate cessation of construction activities in any areas where undocumented remains are uncovered, notification of qualified archeologists to collect initial information about the resources identified and convene a consultation meeting; and implementation of any data collection/mitigation procedures which might, through consultation, be determined appropriate. The Construction Engineer is required to work in harmony with the archaeological team in executing this program.

The Conrail site is National Register-eligible as it was the terminus of the Camden and Amboy Railroad and, as such, is subject to a Memorandum of Agreement (MOA) between the Advisory Council on Historic Preservation (ACHP), NJDEP Office of Historic Preservation, Federal Highway Administration (FHWA), NJDOT, and the City of South Amboy. One element of the MOA requires an archaeological specialist to be present during subsurface excavation for either remediation or construction. If subsurface structures of interest are uncovered, work in that area may be required to temporarily cease while salvage operations or photo-documentation are conducted. The Respondent will be responsible for providing an archaeological specialist, and for complying with the decisions made by the archaeological specialist.

The Respondent is required to be familiar with the **Memorandum of Agreement** which is included herewith as a reference document.

Environmental Issues

The former Conrail Site currently consists of approximately 35.64 acres situated on Block 162, Lots 6 and 25.01. The former Spectraserve Site consists of approximately 17.67 acres situated on Block 161, Lot 90. The Conrail site is National Register-eligible as it was the terminus of the Camden and Amboy Railroad and, as such, is subject to a Memorandum of Agreement (MOA) between the Advisory Council on Historic Preservation (ACHP), NJDEP Office of Historic Preservation, Federal Highway Administration (FHWA), NJDOT, the U.S. Army Corps of Engineers (USACE) and the City of South Amboy.

The former Spectraserve Site currently consists of approximately 4.99 acres of upland and 12.68 acres of riparian land on a portion of Block 161, Lot 90.01. A Remedial Investigation Report/Remedial Action Workplan (RIR/RAW) was approved by NJDEP.

As this site was a former rail yard, contaminants such as petrochemicals, coal and coal bi-products remain in the soil. Areas that will not be capped with pavement, must be capped with at least 24 inches of clean fill. For the purposes of this RFQ and with exception of a requirement to continue monitoring ground water,

the site has been remediated to the extent that the area is ready for the implementation of engineering (capping) controls to complete the remediation for all Areas of Concern which will be documented in a Remedial Action Report prepared by others.

As required by the NJDEP, a Site-Specific Health and Safety Plan (HASP) was previously prepared for this site and is available for review, as an example, for review. It was prepared in compliance with applicable guidelines and requirements provided in 29 CFR 1910.120(b)(4) to protect the health and safety of personnel during the sampling, excavation, handling and disposal of contaminated site soils. This HASP also represents the health and safety measures appropriate to adequately protect the public from those work tasks and activities described within the document. **For all activities associated with the new construction, it will be necessary for the construction contractor to provide their own site-specific HASP to provide for protection against the potential of the hazards that may be encountered.**

All employees working at the Site (such as, but not limited to, equipment operators, general laborers and others) who are or may be exposed to hazardous substances, health hazards, or safety hazards and their supervisors and management responsible for the site shall receive training meeting the requirements of 29 CFR 1910.120 before they are permitted to engage in activities that could expose them to hazardous substances, safety, or health hazards, and they shall receive review training as specified.

Under the Site Remediation Reform Act (SRRA), NJDEP approval is no longer required prior to proceeding with remediation. Implementation of SRRA will therefore result in contaminated sites being cleaned up more quickly, thus providing a greater measure of environmental protection to the citizens of New Jersey and ensuring that development of underutilized properties are returned to the tax rolls more quickly.

SRRA, establishes a program for the licensing of Licensed Site Remediation Professionals (“LSRPs”) who, under the direction of the Construction Engineer, will have responsibility for oversight of environmental investigation and cleanup. While the law changes the process of how sites are remediated, it ensures the same stringent standards required for cleanup remain intact. The NJDEP will retain significant authority over the remediation process and will ensure that LSRPs comply with all applicable regulations, but the day-to-day management of site remediation will be overseen by the Construction Engineer through a qualified LSRP.

The City’s LSRP will be engaged at the site to complete the groundwater monitoring and to obtain all necessary NJDEP permits for any further work and shall be responsible for the recording of any necessary institutional controls.

EXHIBIT B

FEDERAL SF FORM 330, QUALIFICATION STATEMENT

EXHIBIT C

LETTER OF QUALIFICATION

(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)

[insert date]

Address to:

Mr. Glenn R. Skarzynski, MPA, Business Administrator
City of South Amboy
140 North Broadway
South Amboy, New Jersey 08879
(732) 525-5933

Dear Mr. Skarzynski:

The undersigned has/have reviewed my/our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the City of South Amboy ("City"), dated August 3, 2021 , in connection with the City's need for Professional Construction Engineering and related services.

I/We affirm that the contents of my/our Qualification Statement (which Qualification Statement is incorporated herein by reference) is accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon express understanding that any false statement may result in the disqualification of (Name of Respondent).

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

(Signature of Chief Financial Officer)

(Typed Name and Title)

(Typed name and Title)

(Type Name of Firm*)

(Type Name of Firm)*

Dated: _____

Dated: _____

* If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Qualification.

EXHIBIT D

LETTER OF INTENT

(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)

[insert date]

Address to:

Mr. Glenn R. Skarzynski, MPA, Business Administrator
City of South Amboy
140 North Broadway
South Amboy, New Jersey 08879
(732) 525-5933

Dear Mr. Skarzynski:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ) and Proposals (RFP), issued by the City of South Amboy ("City"), dated August 3, 2021, in connection with the City's need for Professional Construction Engineering and related services.

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.
2. (Name of Respondent) agrees to participate in good faith in the procurement process as described in the RFQ/RFP and to adhere to the City's procurement schedule.
3. (Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any response prepared and submitted in response to the RFQ/RFP, or any negotiation that results therefrom shall be borne exclusively by the Respondent.
4. (Name of Respondent) hereby declares (declare) that the only persons participating in this Qualification Statement as Principals are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating principals, but only if acceptable to the City.
5. (Name of Respondent) declares that this Qualification Statement is made without connection with any other person, firm or parties who has submitted a Qualification Statement, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.
6. (Name of Respondent) acknowledges and agrees that the City may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the City shall not have any

liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.

7. (Name of Respondent) acknowledges that any contract executed with respect to the provision of Professional Construction Engineering Services must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer) _____

(Typed Name and Title) _____

(Type Name of Firm)* _____

Dated: _____

* If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Intent.

EXHIBIT E

FORMS REQUIRED BY THE CITY OF SOUTH AMBOY

- Statement of Ownership Disclosure
- Non-Collusion Affidavit
- Business Entity Disclosure Certification
- Affirmative Action Compliance Notice
- Mandatory Equal Employment Opportunity Language
- Americans With Disabilities Act of 1990 - Equal Opportunity for Individuals with Disability
- Certificate of Employee Information Report **
- Insurance Requirements and Acknowledgement Form **
- New Jersey Business Registration Certificate **
- Certificate of Authorization **
- Affirmative Action Certification
- Disclosure of Investment Activities in Iran

** These forms are not provided by the City of South Amboy but must be provided as part of any proposal.

STATEMENT OF OWNERSHIP DISCLOSURE

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization: _____

Organization Address: _____

Part I Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type) Limited Liability Company (LLC)
- Partnership Limited Partnership Limited Liability Partnership (LLP)
- Other (be specific): _____

Part II

The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

OR

No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

Name of Individual or Business Entity	Home Address (for Individuals) or Business Address

Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

Website (URL) containing the last annual SEC (or foreign equivalent) filing	Page #'s

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II other than for any publicly traded parent entities referenced above. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Home Address (for Individuals) or Business Address

Part IV Certification

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the City of South Amboy is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with City of South Amboy to notify the City of South Amboy in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the City of South Amboy to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:	
Signature:		Date:	

NON-COLLUSION AFFIDAVIT

State of New Jersey
County of _____

SS:

I, _____ residing in _____
(name of affiant) (name of municipality)
in the County of _____ and State of _____ of full age,
being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____
(title or position) (name of firm)

_____ the bidder making this Proposal for the bid

entitled _____, and that I executed the said proposal with
(title of bid proposal)

full authority to do so that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the _____ relies upon the truth of the statements contained in said Proposal
(name of contracting unit)

and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

Subscribed and sworn to
me this day

Signature

_____, 2 ____

(Type or print name of affiant under signature)

Notary public of New Jersey

My Commission expires _____

(Seal)

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
 Required Pursuant To N.J.S.A. 19:44A-20.8
CITY OF SOUTH AMBOY

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that _____ has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding *July 25, 2017* any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the *City of South Amboy* as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Fred Henry	
Zusette Dato	
Michael Gross	
Brian McLaughlin	
Christine Noble	
Thomas B. Reilly	

Part II – Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership Corporation Sole Proprietorship Subchapter S Corporation
 Limited Partnership Limited Liability Corporation Limited Liability Partnership

Name of Stock or Shareholder	Home Address

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: _____

Signature of Affiant: _____

Title: _____ Printed Name of Affiant

: _____ Date: _____

Subscribed and sworn before me this _____ day of _____, 2021.	_____
My Commission expires:	(Witnessed or attested by)

	(Seal)

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
CITY OF SOUTH AMBOY

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

“business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction; “interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~

**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

“The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

**AFFIRMATIVE ACTION COMPLIANCE NOTICE**  
**N.J.S.A. 10:5-31 and N.J.A.C. 17:27**

**GOODS AND SERVICES CONTRACTS**  
**(INCLUDING PROFESSIONAL SERVICES)**

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

COMPANY: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

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

**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**

**GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE 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 take affirmative action to ensure that such applicants are recruited and employed, 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 action 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, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, 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.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital

status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO as may be requested by the office 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 Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

**AMERICANS WITH DISABILITIES ACT OF 1990**  
**Equal Opportunity for Individuals with Disability**

The contractor and the City of South Amboy, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. 5121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim, If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

COMPANY: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

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

## **BUSINESS REGISTRATION CERTIFICATE**

N.J.S.A. 52:32-44 (P.L. 2004, c.57).

Contractor must provide State Division of Revenue issued Business Registration Certificate with the bid submission as per N.J.S.A. 52:32-44 (P.L. 2004, c.57). Detailed information on this requirement is found in Division of Local Government Services web site at [www.nj.gov/dca/lgs/lpcl](http://www.nj.gov/dca/lgs/lpcl).

## EXHIBIT F

### MEDIATION PROVISIONS FOR CONSTRUCTION CONTRACTS

Notwithstanding any other provisions or terms set forth elsewhere in this RFP or other Contract Documents, for any construction contract to which N.J.S.A. 40A:11-50 is applicable, either party to the contract may demand that a dispute concerning whether a party has failed to make payments pursuant to the provisions of N.J.S.A. 2A:30A-1 et. seq., or perform Work as required by the Contract Document be submitted to Alternative Dispute Resolution through non-binding mediation. If mediation is demanded, it shall be subject to the provisions set forth below.

Mediation shall not be available with regard to disputes concerning solicitation of bids, the award process or the formation of contracts or subcontracts entered into pursuant to the New Jersey Local Public Contracts Law. In addition, Mediation shall not prevent either party from pursuing any other remedy, including but not limited to injunctive relief or an action for specific performance, in the event that emergent circumstances exist or when necessary to protect the health, safety or welfare of the public.

The City of South Amboy's Alternative Dispute Resolution procedures for non-binding mediation are as follows:

- A. Controversies and Claims Subject to Mediation.** Except as specified above, If a dispute between City of South Amboy and Consultant arises during the course of the contract, the parties will make a good faith effort to resolve the dispute through non-binding mediation prior to resorting to litigation,
- B. Contract Performance Pending Mediation.** During mediation proceedings, Consultant shall continue to perform, and City of South Amboy shall continue to make payments pursuant to the terms of the contract.
- C. When Mediation May be Demanded.** Prior to either party demanding mediation, the aggrieved party shall attempt to resolve the problem directly with the other party.

In the event that the parties are unable to directly resolve a problem within 10 days of the first notice of the dispute, the aggrieved party shall promptly submit a written notice of dispute to the other party. The other party shall respond in writing.

Demand for mediation of any claim shall not be made until the earlier of the following:

1. Five (5) business days after the other party has provided its written response to the aggrieved party's notice of dispute;
2. Thirty (30) days have passed after submission of the original, written claim by the aggrieved party and the other party has not responded.

If the written response from the other party does not resolve the dispute, the aggrieved party shall have thirty (30) days from the delivery of the other party's response to file a demand for mediation.

If the aggrieved party fails to do so, it shall be deemed to have waived its right pursuant to this contract to demand Alternative Dispute Resolution.

A party who files a “Notice of Demand for Mediation” must assert in the demand all claims then known to that party for which mediation May be demanded. If a party fails to include a claim because of excusable neglect, or when a claim has matured or been acquired subsequently, the mediator or mediators may permit amendments.

- D. Procedure to Request Mediation.** Either party may demand mediation by written notice to the other party. The written notice shall contain at minimum 1) a brief statement of the nature of the dispute, and 2) the name, address and the phone number of that party’s designated representative for purposes of mediation. The other party shall designate its representative for mediation in writing no later than five (5) business days after receipt of the demand for mediation. The respective designees shall thereupon promptly, and with due regard for the need for timely action, choose a mediator. If the parties cannot agree on a mediator, they shall choose a reputable mediation firm.

Any mediation firm so chosen shall present a list of at least five (5) proposed mediators to the parties and shall provide the parties with a summary of each person’s qualifications to serve as mediator. Each party shall rank the proposed mediators in order of preference.

The fifth and any lower ranked persons on each list will be excluded from further consideration.

The chosen mediator shall be the remaining person who is the combined highest ranking mediator on both preference lists, after deleting all excluded persons.

In the event of a tie, the mediator shall be chosen by lot.

- E. Procedures at Mediation.** The mediation shall be conducted in such reasonable and efficient manner as may be agreed between the parties and the mediator or, if the parties cannot agree, as may be determined by the mediator.

The parties will not be bound by the Rules of Evidence in presenting their positions before the mediator.

- F. Cost of Mediation.** Each party will bear its own cost of participation in the mediation. The mediator’s fee will be divided equally between the parties.

- G. Failure of Mediation.** If a good faith effort to resolve the dispute through mediation is unsuccessful within 60 days after the initial request for mediation, then either party may terminate the mediation by written notice to the mediator and to the other party. Upon the expiration of the said 60 days (or any extension thereof that has been mutually agreed to by the parties) either party may submit the dispute to the Superior Court of New Jersey, CITY OF SOUTH AMBOY, for adjudication, which court shall have exclusive original jurisdiction over the dispute.

I. **Binding Process.** Participation in the mediation process is voluntary, however the parties expressly understand and agree that if they reach any agreements as a result of mediation, such agreements will be binding to the full extent permitted by law.

J. **Confidentiality.** As part of the mediation, the parties will be required to comply with the mediator's instructions regarding submissions and exchanges of records, statements, and other materials necessary for mediation to proceed. The parties recognize that mediation proceedings are settlement negotiations, and that all offers, promises and statements, whether written or oral, made in the course of the proceedings, are inadmissible in any arbitration or court proceeding, to the full extent allowed by applicable state and Federal laws. The parties agree to not subpoena or otherwise require the mediator to testify or produce records, notes or work product exchanged during mediation in any future proceedings, and to keep all submissions, records, notes, statements and any other materials prepared or exchanged in connection with the mediation confidential, to the fullest extent permitted by law. No recording or stenographic record will be made of mediation sessions.

Mediation sessions are intended to settle claims, and the discussions that occur during mediation shall remain confidential, unless the parties mutually agree to authorize disclosures. In the event the parties do reach a settlement agreement, the terms of that settlement will be admissible in any court or arbitration proceedings required to enforce it and will be available for public inspection to extent required by applicable state or Federal laws. All evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in mediation proceedings.

## EXHIBIT G

### RFQ/RFP EVALUATION FORM

RESPONDENT: \_\_\_\_\_ EVALUATION TEAM: \_\_\_\_\_

Evaluation of Respondent's Expression of Interest \_\_\_\_\_

**Completed Checklist ( Y / N )**

|     |                                                                                                       |                                                                                                                                                                                                                              |                           |
|-----|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 1.  | <b>Executive Summary</b>                                                                              | 15 Points Superior Executive Summary<br>10 Points Good Executive Summary<br>5 Points Sufficient Executive Summary<br>0 Points Inadequate Executive Summary                                                                   | Subtotal<br>Points: _____ |
| 2.  | <b>Letter of Qualification</b>                                                                        | 5 Points Letter is included and executed properly<br>0 Points Letter is not included or executed improperly                                                                                                                  | Subtotal<br>Points: _____ |
| 3.  | <b>Contact Information</b>                                                                            |                                                                                                                                                                                                                              |                           |
| 4.  | <b>Description of Business Organization</b>                                                           | 5 Points Description provided as required<br>0 Points Description is incomplete or missing                                                                                                                                   | Subtotal<br>Points: _____ |
| 5.  | <b>Affirmative Action Compliance Statement</b>                                                        |                                                                                                                                                                                                                              |                           |
| 6.  | <b>Letter of Intent</b>                                                                               | 5 Points Letter is included and executed properly<br>0 Points Letter is not included or executed improperly                                                                                                                  | Subtotal<br>Points: _____ |
| 7.  | <b>Years Organization has been in business under present name</b>                                     | 10 Points more than 10 years<br>5 Points more than 5 years but less than 10 years<br>0 Points 5 years or less                                                                                                                | Subtotal<br>Points: _____ |
| 8.  | <b>Years Organization has been in business under current management</b>                               | 10 Points more than 10 years<br>5 Points more than 5 years but less than 10 years<br>0 Points 5 years or less                                                                                                                | Subtotal<br>Points: _____ |
| 9.  | <b>Statement of judgements within three years</b>                                                     |                                                                                                                                                                                                                              |                           |
| 10. | <b>Statement of bankruptcy or re-organization proceedings within ten years</b>                        | 10 Points No bankruptcy or re-organization proceedings<br>5 Points Any bankruptcy or re-organization proceedings, sufficient explanation<br>0 Points Any bankruptcy or re-organization proceedings, insufficient explanation | Subtotal<br>Points: _____ |
| 11. | <b>Statement confirming federal and state licenses</b>                                                |                                                                                                                                                                                                                              |                           |
| 12. | <b>Statement affirming lack of conflict of interest</b>                                               |                                                                                                                                                                                                                              |                           |
| 13. | <b>Statement of validity for ninety days</b>                                                          | 5 Points Statement provided as required<br>0 Points Statement is incomplete or missing                                                                                                                                       | Subtotal<br>Points: _____ |
| 14. | <b>Statement confirming Respondent not excluded from participation in Federal assistance programs</b> | 5 Points Statement provided as required<br>0 Points Statement is incomplete or missing                                                                                                                                       | Subtotal<br>Points: _____ |
| 15. | <b>Statement confirming equal employment and business opportunities</b>                               | 5 Points Statement provided as required<br>0 Points Statement is incomplete or missing                                                                                                                                       | Subtotal<br>Points: _____ |
| 16. | <b>City Forms (all are required)</b>                                                                  |                                                                                                                                                                                                                              |                           |
| 17. | <b>DBE/ESBE identification and compliance plan</b>                                                    |                                                                                                                                                                                                                              |                           |

**Total Points:** \_\_\_\_\_

## **SCORING GUIDE**

The evaluation committee will consider the following guidelines in awarding points to the evaluation criteria for the evaluation of the Expression of Interest:

**Superior Response:** exceptional - surpasses expected response and completely and comprehensively meets all of the requirements of the RFQ/RFP; concisely includes creative analysis and/or additional information and recommendations that are valuable and beneficial to the agency.

**Good Response:** clearly meets all the requirements of the RFQ/RFP and demonstrates in an unambiguous and concise manner a thorough knowledge and understanding of the category or categories with no deficiencies noted.

**Sufficient Response:** minimally meets most requirements of the RFQ/RFP. Respondent demonstrated some ability to comply with guidelines and requirements of the category or categories, but knowledge of the subject matter is limited.

**Inadequate Response:** does not meet the requirements of the RFQ/RFP. Respondent failed to demonstrate sufficient knowledge of the subject matter, or adequately/correctly answer the question asked.

Some of the items required to be submitted as part of the Expression of Interest are factual in nature or statements that cannot be evaluated for quality, such as providing an address or a Letter of Qualification or they may be forms required per section 3.2.16. For these items, failing to provide information or providing incomplete information will result in a subtotal score of zero (0) and may result in the rejection/disqualification of the Respondent's Qualification Statement.

For Items 3, 5, 9, 11,12 and 16, See Exhibit H.

**CITY OF SOUTH AMBOY**  
**RFQ/RFP EVALUATION FORM**

RESPONDENT: \_\_\_\_\_ EVALUATION TEAM: \_\_\_\_\_

**Evaluation of Respondent's Technical Scope of Work** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <p><b>1. References – Max 15 Points</b></p> <p>15 Points Superior References (Government Entity, Financial Institution, etc.)<br/>         10 Points Good References (Competitors, Consultants, ect.)<br/>         5 Points Sufficient References (Individuals)<br/>         0 Points Inadequate References</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Subtotal<br/>Points: _____</p> |
| <p><b>2. Description and scope of work in similar projects (See Below)</b></p> <p>30 Points Superior response<br/>         20 Points Good response<br/>         10 Points Sufficient response<br/>         0 Points Inadequate response</p> <p>Demonstrated experience in providing Resident Engineering services      Subtotal Points _____<br/>         This section shall evaluate the Respondent's ability to:<br/>         ___Points Represent the City during construction<br/>         ___Points Negotiate payment requests<br/>         ___Points Maintain documentation supporting payment requests<br/>         ___Points Monitor wage rate requirement submissions<br/>         ___Points Document compliance with environmental commitments and/or permit requirements<br/>         ___Points Document ADA compliance<br/>         ___Points Document compliance with Federal requirement that steel and iron products, and their coatings, be made/applied in the United States (23 CFR 635.410)<br/>         ___Points Monitor and document compliance with DBE/ESBE goals</p> <p>Demonstrated experience in providing Construction Inspection services      Subtotal Points _____<br/>         This section shall evaluate the Respondent's ability to:<br/>         ___Points Provide adequate staffing<br/>         ___Points Provide suitable equipment<br/>         ___Points Perform detailed inspection in compliance with 23 CFR 635<br/>         ___Points Verify delivery and quality of materials<br/>         ___Points Monitor compliance with federal regulations<br/>         ___Points Develop and maintain "Source Documentation"</p> | <p>Subtotal<br/>Points: _____</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <p><b>2. Description and scope of work in similar projects (continued)</b></p> <p>30 Points Superior response<br/> 20 Points Good response<br/> 10 Points Sufficient response<br/> 0 Points Inadequate response</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |
| <p><b>3. Explanation of perceived relevance of past or present experience</b></p> <p>30 Points Superior experience<br/> 20 Points Good experience<br/> 10 Points Sufficient experience<br/> 0 Points Inadequate experience</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Subtotal<br/> Points:_____</p> |
| <p><b>4. Description of services Respondent would perform directly and those services that others associated with the Respondent would perform</b></p> <p>30 Points Demonstrates superior understanding of services to be rendered and outlines specific tasks to be performed by each entity<br/> 20 Points Demonstrates good understanding of services to be rendered and outlines specific tasks to be performed by each entity<br/> 10 Points Demonstrates adequate understanding of services to be rendered and outlines general responsibilities of each entity<br/> 0 Points Demonstrates inadequate understanding of services to be rendered or fails to outline tasks to be performed by each entity</p> | <p>Subtotal<br/> Points:_____</p> |
| <p><b>5. Narrative statement of understanding</b></p> <p>30 Points Superior understanding of City's needs and goals<br/> 20 Points Good understanding of City's needs and goals<br/> 10 Points Sufficient understanding of City's needs and goals<br/> 0 Points Inadequate understanding of City's needs and goals</p>                                                                                                                                                                                                                                                                                                                                                                                            | <p>Subtotal<br/> Points:_____</p> |
| <p><b>6. Description of and identification of subcontractors, if any</b></p> <p>5 Points Subcontractors not required or described and identified adequately<br/> 0 Points Subcontractors not described or identified</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Subtotal<br/> Points:_____</p> |
| <p><b>7. Employee resumes</b></p> <p>30 Points Resumes demonstrate superior experience and ability<br/> 20 Points Resumes demonstrate good experience and ability<br/> 10 Points Resumes demonstrate adequate experience and ability<br/> 0 Points Resumes demonstrate inadequate experience and/or ability</p>                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Subtotal<br/> Points:_____</p> |

**Total Points:**\_\_\_\_\_

## **SCORING GUIDE**

The evaluation committee will consider the following guidelines in awarding points to the evaluation criteria for the evaluation of the Technical Scope of Work:

**Superior Response:** exceptional - surpasses expected response and completely and comprehensively meets all of the requirements of the RFQ/RFP; concisely includes creative analysis and/or additional information and recommendations that are valuable and beneficial to the agency.

**Good Response:** clearly meets all the requirements of the RFQ/RFP and demonstrates in an unambiguous and concise manner a thorough knowledge and understanding of the category or categories with no deficiencies noted.

**Sufficient Response:** minimally meets most requirements of the RFQ/RFP. Respondent demonstrated some ability to comply with guidelines and requirements of the category or categories, but knowledge of the subject matter is limited.

**Inadequate Response:** does not meet the requirements of the RFQ/RFP. Respondent failed to demonstrate sufficient knowledge of the subject matter, or adequately/correctly answer the question asked.

Failing to provide information or providing incomplete information will result in a subtotal score of zero (0) and may result in the rejection/disqualification of the Respondent's Qualification Statement.

**CITY OF SOUTH AMBOY**  
**RFQ/RFP EVALUATION FORM**

RESPONDENT: \_\_\_\_\_ EVALUATION TEAM: \_\_\_\_\_

**Evaluation of Respondent's Interview** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

|                                                                                                                                                                                                                                                     |                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>1. Demonstrated preparedness</b><br>30 Points Superior preparedness<br>20 Points Good preparedness<br>10 Points Sufficient preparedness<br>0 Points Inadequate preparedness                                                                      | Subtotal<br>Points: _____ |
| <b>2. Demonstrated knowledge and understanding of the project needs and goals</b><br>30 Points Superior understanding<br>20 Points Good understanding<br>10 Points Sufficient understanding<br>0 Points Inadequate understanding                    | Subtotal<br>Points: _____ |
| <b>3. Demonstrated professionalism in fielding and responding to interviewer's questions</b><br>30 Points Superior professionalism<br>20 Points Good professionalism<br>10 Points Sufficient professionalism<br>0 Points Inadequate professionalism | Subtotal<br>Points: _____ |
| <b>4. Key employees to be assigned to the project are present at the interview</b><br>15 Points Key employees present; demonstrate knowledge and understanding<br>0 Points Key employees not present; do not demonstrate knowledge or understanding | Subtotal<br>Points: _____ |

**Total Points:** \_\_\_\_\_

**SCORING GUIDE**

The evaluation committee will consider the following guidelines in awarding points to the evaluation criteria for the evaluation of the presentation:

**Superior Response:** exceptional - surpasses expected response and completely and comprehensively meets all of the requirements of the RFQ/RFP; concisely includes creative analysis and/or additional information and recommendations that are valuable and beneficial to the agency.

**Good Response:** clearly meets all the requirements of the RFQ/RFP and demonstrates in an unambiguous and concise manner a thorough knowledge and understanding of the category or categories with no deficiencies noted.

**Sufficient Response:** minimally meets most requirements of the RFQ/RFP. Respondent demonstrated some ability to comply with guidelines and requirements of the category or categories, but knowledge of the subject matter is limited.

**Inadequate Response:** does not meet the requirements of the RFQ/RFP. Respondent failed to demonstrate sufficient knowledge of the subject matter, or adequately/correctly answer the question asked.

Failing to provide information or providing incomplete information will result in a subtotal score of zero (0) and may result in the rejection/disqualification of the Respondent's Qualification Statement.

**EXHIBIT H**  
**CITY OF SOUTH AMBOY**  
**SUBMISSION CHECKLIST**

RESPONDENT: \_\_\_\_\_

| Item                                                                                               | Y                        | N                        | N/A                      |
|----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|
| A. Package submitted by the deadline                                                               | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| B. Package is complete - included all information required in Section Three of the RFQ/RFP         |                          |                          |                          |
| • 3.2 Expression of Interest ( <b>sealed separately</b> )                                          | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 1. Executive Summary                                                                               | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 2. Letter of Qualification                                                                         | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| ◇ 3. Contact Information                                                                           | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 4. Description of Business Organization                                                            | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| ◇ 5. Affirmative Action Compliance Statement                                                       | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 6. Letter of Intent                                                                                | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 7. Years Organization has been in business under present name                                      | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 8. Years Organization has been in business under current management                                | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| ◇ 9. Statement of judgements within three years                                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Statement of bankruptcy or re-organization proceedings within ten years                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ◇ 11. Statement confirming Federal and State licenses                                              | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| ◇ 12. Statement affirming lack of conflict of interest                                             | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 13. Statement of validity for ninety days                                                          | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 14. Statement confirming Respondent not excluded from participation in Federal assistance programs | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 15. Statement confirming equal employment and business opportunities                               | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| ◇ 16. City Forms ( <b>all are required</b> )                                                       | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| ◇ 17. DBE/ESBE identification and compliance plan                                                  | <input type="checkbox"/> | <input type="checkbox"/> |                          |

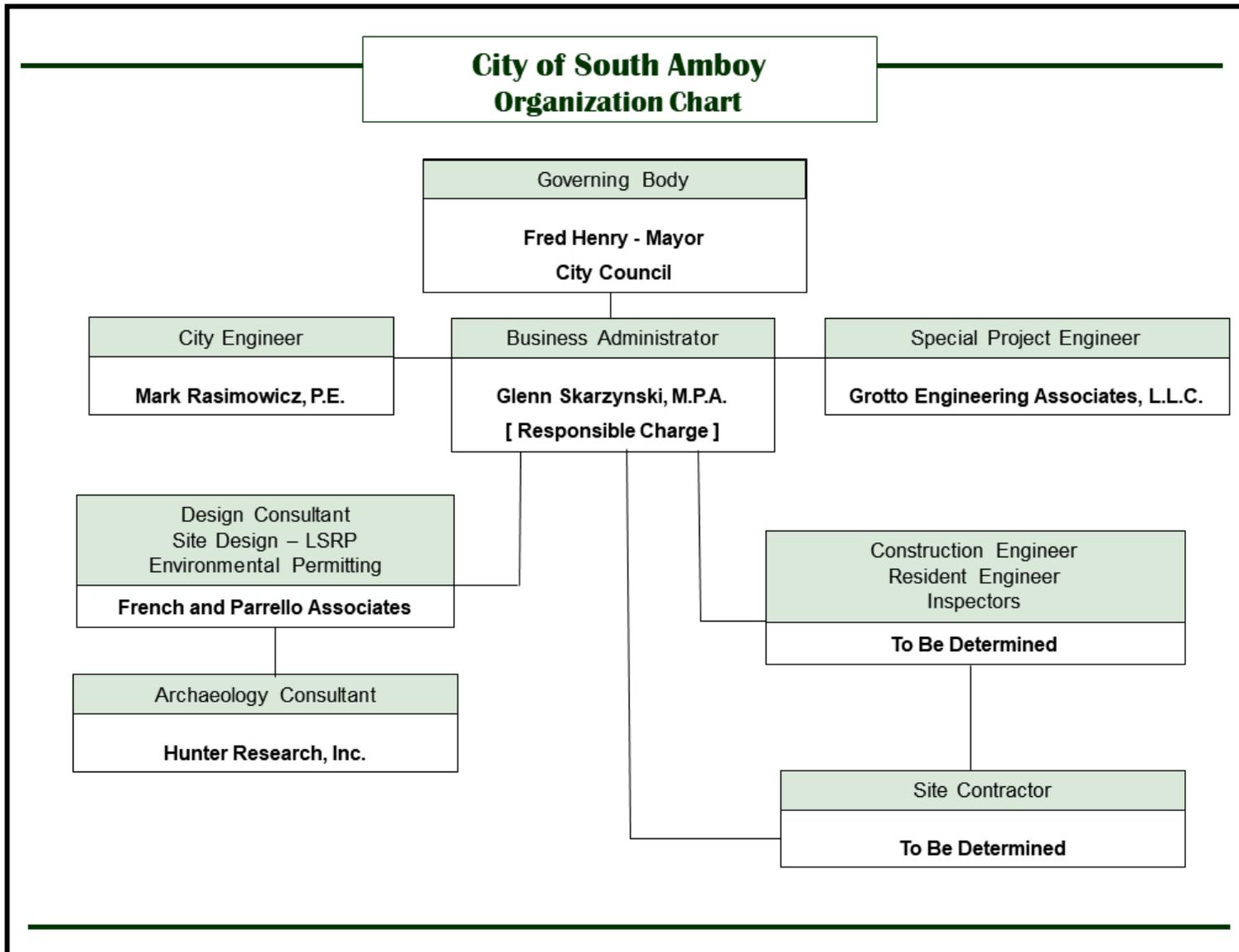
◇ Item required but not evaluated or scored. If this item is not submitted or is found to be incomplete without a suitable explanation, it may result in the rejection/disqualification of the Respondent's entire Qualification Statement

**CITY OF SOUTH AMBOY**  
**SUBMISSION CHECKLIST (continued)**

| Item                                                                         | Y                        | N                        | N/A |
|------------------------------------------------------------------------------|--------------------------|--------------------------|-----|
| • 3.3 Technical Scope of Work <b>(sealed separately)</b>                     | <input type="checkbox"/> | <input type="checkbox"/> |     |
| 1. Description of overall experience (SF330 or equivalent)                   | <input type="checkbox"/> | <input type="checkbox"/> |     |
| 2. Name, address and contact information of references                       | <input type="checkbox"/> | <input type="checkbox"/> |     |
| 3. Explanation of perceived relevance of past or present experience          | <input type="checkbox"/> | <input type="checkbox"/> |     |
| 4. Description of services Respondent would perform directly                 | <input type="checkbox"/> | <input type="checkbox"/> |     |
| Description of services that others associated with Respondent would perform | <input type="checkbox"/> | <input type="checkbox"/> |     |
| 5. Statement of understanding of City's needs and goals                      | <input type="checkbox"/> | <input type="checkbox"/> |     |
| 6. Describe portions of services, if any, that are sub-contracted out        | <input type="checkbox"/> | <input type="checkbox"/> |     |
| 7. Resume of key employees                                                   | <input type="checkbox"/> | <input type="checkbox"/> |     |
| ◇ • 3.4 Cost Proposal <b>(sealed separately)</b>                             | <input type="checkbox"/> | <input type="checkbox"/> |     |

◇ Item required but not evaluated or scored. If this item is not submitted or is found to be incomplete without a suitable explanation, it may result in the rejection/disqualification of the Respondent's entire Qualification Statement

EXHIBIT I



**AFFIRMATIVE ACTION CERTIFICATION**

**CITY OF SOUTH AMBOY**

I do hereby certify that it is the intention of my company to affirmatively seek out and consider DBEs certified in the State of New Jersey, to participate as part of this proposal.

For listing of DBE certified firms see <http://www.njucp.net>

I understand and agree that all sub-consulting in connection with this proposal, whether undertaken prior to or subsequent to the notice to proceed, shall be in accordance with the requirements for the Disadvantaged Business Enterprise Program, included elsewhere in this RFQ/RFP. I understand and agree that no subcontracting shall be approved or commenced until the Department of Transportation has reviewed and approved the affirmative actions taken by my company or me.

I understand that utilization of certified DBEs is in addition to all other equal employment requirements of this RFQ/RFP.

I acknowledge that this certification is to be made an integral part of this proposal.

I understand and agree that the submission of a blank certification may cause the proposal to be rejected.

I hereby certify that contact has been made with the certified DBEs listed in this certification, and that, if my company becomes the designated Construction Engineer, the certified DBEs have tentatively agreed to perform the services listed below.

I understand that neither my company nor I will be penalized for amounts achieved over or under the amount shown for voluntary DBE utilization that exceeds the goal.

After contract award, any change to the firms listed in this Affirmative Action Certification under race/gender conscious must have prior approval by NJDOT's and NJ Division of Civil Rights and Affirmative Action (DCR/AA)-

**SUBCONSULTANTS**

**DBE SUBCONSULTANTS TO BE APPLIED TOWARD GOAL (RACE/GENDER CONSCIOUS)**

**Certified DBE Name & Address**

**Service Planned**

**Planned percentage to be paid to DBE**

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**DBE SUBCONSULTANTS TO BE USED BEYOND GOAL (RACE/GENDER CONSCIOUS)**

**Certified DBE Name & Address**

**Service Planned**

**Planned percentage to be paid to DBE**

|  |
|--|
|  |
|  |
|  |
|  |

**Total Percentage Credited toward DBE Goal (Race/Gender Conscious): \_\_\_\_\_**

**Total Percentage of Voluntary DBE Work Anticipated over DBE Goal (Race/Gender Neutral): \_\_\_\_\_**

**Name of Company: \_\_\_\_\_**

**By: \_\_\_\_\_ Date: \_\_\_\_\_**

## Disclosure of Investment Activities in Iran

Bidder Name: \_\_\_\_\_

### Part 1: Certification

*BIDDERS ARE TO COMPLETE PART 1 BY CHECKING EITHER BOX.*

Pursuant to Public Law 2012, c.25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website [www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf](http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf). Bidders must review this list prior to completing the below certification. Failure to complete the certification may render a bidder's proposal non-responsive. If the Director finds a person or entity to be in violation of law, she/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

#### **Check the Appropriate Box**

I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

**OR**

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

### Part 2 – Additional Information

PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN. You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran on additional sheets provided by you.

### Part 3: Certification

I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the County of Somerset is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the County of Somerset to notify the County of Somerset in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the County of Somerset and that the County of Somerset at its option may declare any contract(s) resulting from this certification void and unenforceable.

|                           |  |               |  |
|---------------------------|--|---------------|--|
| <b>Full Name (Print):</b> |  | <b>Title:</b> |  |
| <b>Signature:</b>         |  | <b>Date:</b>  |  |

**EXHIBIT J  
CITY OF SOUTH AMBOY**

**SAMPLE SITE-SPECIFIC HEALTH AND SAFETY PLAN (HASP)**

The Contractor shall be required to provide a Site-Specific Health and Safety Plan (HASP). It must be prepared in compliance with applicable guidelines and requirements provided in 29 CFR 1910.120(b)(4) to protect the health and safety of personnel during the sampling, excavation, handling and disposal of contaminated Site soils. The HASP should also represent the health and safety measures appropriate to adequately protect the public from those work tasks and activities described therein. For all other activities that may subject either the public or occupational exposure to hazardous materials or safety concerns, it will be necessary to modify the HASP to provide for protection against the potential harm of these additional hazards.

In 2008, a Site-Specific Health and Safety Plan (HASP) was prepared at the request of the City of South Amboy for the proposed activities at Internodal Ferry Transportation Center which is located on Lower Main Street in South Amboy, New Jersey. The HASP was developed to protect workers and the public from those work activities associated with the remediation of contaminated soils at the Site. The document is available for inspection as a guide, is available for inspection in the office of the City Business Administrator and is entitled:

**Site-Specific Health and Safety Plan (HASP)**

Intermodal Ferry Transportation Center  
Lower Main Street  
South Amboy, New Jersey

Prepared for:  
The City of South Amboy  
140 North Broadway  
South Amboy, New Jersey 08879

Prepared by:  
Potomac-Hudson Environmental, Inc.  
207 S. Stevens Avenue  
South Amboy, New Jersey 08879

June 2008

The HASP should identify potential chemical and safety hazards and should describe the means of minimizing worker and visitor exposure by: (1) specifying site control measures, (2) conducting periodic inspections, (3) recommending appropriate levels of personal protection, (4) decontaminating affected site personnel and equipment used onsite, and (5) requiring site-specific training for all Site personnel.

**At the City's direction, the City's LSRP Consultant will implement and enforce this HASP. A copy of the HASP, prepared by the general contractor and approved by the City, will be provided to all contractors and consultants working on this project All entities working at the Site will be responsible for the health and safety of their own employees.** These entities will be required to develop their own task-specific HASP that complies with requirements contained in OSHA rules governing hazardous waste site operations (29 CFR.. 1910.120). All entities shall provide a safe and healthful working environment in accordance with all other applicable OSHA construction standards (29 CFR 1926 Subparts) and each employer is responsible for providing their employees with appropriate personal protective equipment. Each employer will be responsible for the actions taken by their

personnel. The health and safety guidelines and requirements presented in the HASP shall be based upon the review of all available information, current standards and an evaluation of the potential hazards and concerns. The HASP should outline the health and safety procedures and equipment required for work activities at this Site to reduce the potential for exposure to Site personnel and the general public.

The HASP should be provided as a guideline to procedures to be followed during the course of the work prescribed herein and should not be construed as a complete compilation of all health and safety procedures accepted as industry practice or to reproduce OSHA regulations. The requirements of OSHA are contained in the Code of Federal Regulations and should be consulted for actual regulatory responsibility. Those regulations are incorporated by reference. The HASP cannot be comprehensively applied to every situation, but it must serve as a guidance document. As such, it may be modified periodically and amended as the need arises.

The HASP prepared for this project should be designed to provide both environmental and worker health and safety precautions and requirements. It does not contemplate health and safety requirements for general construction or related activities.

**EXHIBIT K  
CITY OF SOUTH AMBOY**

**ARCHEOLOGIC MONITORING PROTOCOL DURING CONSTRUCTION**

**ARCHAEOLOGICAL MONITORING PLAN  
(April 2021)**

**PURPOSE**

Archaeological monitoring of construction of the Intermodal Ferry Transportation Center (IFTC), City of South Amboy, Middlesex County, New Jersey, is intended as fulfillment of the requirements of Section 106 of the National Historic Preservation Act of 1966 (as amended) and will partially satisfy Stipulation II of the Second Amended Memorandum of Agreement (MOA), dated July 8, 2021 between: the Federal Highway Administration, New Jersey Division; the United States Army Corps of Engineers, New York District; the New Jersey State Historic Preservation Office (NJSHPO); the New Jersey State Department of Transportation (NJDOT); and the City of South Amboy. The purpose of the archaeological monitoring is to ensure that archaeological resources adversely affected by construction of the IFTC, and which are considered contributing to the Camden and Amboy (Main Line) Historic District, or otherwise eligible for the New Jersey and National Registers of Historic Places, are identified and documented within the framework of the construction schedule.

This document sets out procedures to ensure that the archaeological monitoring is carried out in the most efficacious and efficient manner during construction. The principal objective is to minimize or eliminate time and cost delays during construction, while ensuring that significant archaeological resources contributing to the Camden and Amboy (Main Line) Historic District, or other New Jersey and National Register-eligible properties, are appropriately treated in a manner consistent with current professional archaeological practice.

**DEFINITIONS**

**“Observational Monitoring”** means the rapid recordation of archaeological discoveries made during Contractor's operations. This is accomplished by archaeologists using visual observation, photography and written notes, the inspection of back dirt piles, and the mapping of discoveries in plan and profile. Short-term cessation of work (as defined below) may be required in order to complete some recordation actions. Such cessations do not disrupt the Contractor’s schedule and are not subject to claims from the Contractor.

**“Documentary Monitoring”** means the detailed investigation and recording of archaeological discoveries while Contractor's operations are suspended at a particular location for an agreed period. These costs may be recoverable by the Contractor if such stoppages are specifically authorized. Authorization will be through specific procedures set out below.

**“Short-term Cessation of Work”** means a period of not more than two hours during observational monitoring.

**“Contractor”** means the company or entity responsible for construction activity covered by IFTC project plans and specifications, which are subject to the Memorandum of Agreement.

**“Project Engineer”** means the City of South Amboy’s assigned engineer or other City representative overseeing the construction project and Contractor operations whose responsibility it is to provide coordination between the Contractor and Archaeological Monitor.

**“Archaeological Monitor”** means an archaeologist meeting the Secretary of the Interior’s Standards as set forth in 48 FR 44716 and who is authorized to perform archaeological monitoring for the IFTC project.

## **CONTRACTOR RESPONSIBILITIES**

The Contractor will:

1. Maintain regular contact with the Project Engineer and Archaeological Monitor.
2. Ensure that the Archaeological Monitor has access to the site at all reasonable times.
3. Work with the Project Engineer to ensure that the Archaeological Monitor is aware of the project schedule and has two business days’ notice of operations requiring monitoring.
4. Communicate the requirements and procedures for monitoring to any subcontractors.
5. Provide the Archaeological Monitor with a copy of the Contractor’s Health and Safety Plan and introduce the Site Safety and Health Officer to the Archaeological Monitor before the start of monitoring work.

## **PROJECT ENGINEER RESPONSIBILITIES**

The Project Engineer will:

1. Maintain regular contact with the Contractor and the Archaeological Monitor.
2. Facilitate communication between the Contractor and the Archaeological Monitor throughout the period that archaeological monitoring is required on site.
3. Work with the Contractor to ensure that the Archaeological Monitor is aware of the project schedule and have two business days’ notice of operations requiring monitoring.

## **ARCHAEOLOGICAL MONITOR RESPONSIBILITIES**

The Archaeological Monitor will:

1. Maintain regular contact with the Project Engineer and Contractor.
2. Conform to the Contractor’s procedures and schedules on work sites.
3. Seek to perform the required archaeological monitoring so as to limit, as far as possible, disruption to the overall construction schedule.
4. Provide adequate staff to complete appropriate recording for Observational Monitoring and for Documentary Monitoring procedures.
5. Confer, as necessary, with appropriate NJDOT and NJSHPO staff relative to Section 106 consultation as it pertains to the IFTC project.

## **ACTIONS REQUIRING ARCHAEOLOGICAL MONITORING**

Construction activities that will require archaeological monitoring comprise:

- Trenching for utilities and drainage, and any other bulk removal of material by machinery or hand digging where excavation extends to depths below 15 feet above mean sea level, except as where ground is determined by the Archaeological Monitor to be already disturbed or of no archaeological interest
- The relocation or removal of any artifacts, such as stone sleepers, iron and stone rails, catenary or railroad-related artifacts (observational monitoring only)
- Dredging to the northeast of the Westmoreland Pier, as indicated on project plans
- Demolition or removal of existing timber bulkheads or piles

### **PROCEDURES:**

#### **1. Flow of Information**

The Project Engineer will facilitate a regular exchange of information concerning the Contractor's work schedule and the requirements for archaeological monitoring. Arrangements will be made to ensure that the Archaeological Monitor will be on site when any Actions Requiring Archaeological Monitoring (see above) are in progress.

The Archaeological Monitor will maintain a daily log of monitoring activity on site, which will, at a minimum, be shared weekly with the Project Engineer.

#### **2. General Considerations**

##### Historical and Industrial Archaeological Resources:

The principal historical and industrial archaeological resources anticipated as requiring monitoring are building foundations and floor surfaces, remnant wharfs and bulkheads, remains of railroad infrastructure such as rail track and rail beds, turntables, other footings and related cultural deposits containing historic artifacts (e.g., ceramics, glass, metal, building materials, bone). Particular attention should be paid to bone or teeth fragments or concentrations of bone in case they represent human remains. Procedures for monitoring historical and industrial archaeological resources are detailed in Sections 3 and 4 below.

##### Native American Archaeological Resources:

There is some expectation that Native American archaeological resources will survive beneath the historical and industrial features and deposits on the IFTC site. Such remains may include traces of hearths, pits, postholes and soil strata containing Native American artifacts, charcoal and other environmental data. A more detailed protocol for addressing Native American archaeological resources discovered during construction is provided in Section 6 below.

##### Human Remains:

There is a minimal possibility that human remains, either as intact burials or disarticulated skeletal fragments from previously disturbed interments, will be encountered during Contractor operations. A more detailed protocol for addressing human remains discovered during construction is provided in Section 7 below.

#### Safety:

The Archaeological Monitor will report to the Contractor's representative responsible for site safety prior to monitoring operations to ensure monitoring is being conducted in compliance with the Contractor's Health and Safety Plan.

### **3. Observational Monitoring**

Observational monitoring will entail either of the following:

#### Non-intrusive observations:

The Archaeological Monitor will observe the Contractor's excavations, inspecting back dirt piles and exposed trench profiles, taking notes and digital photographs, and collecting artifact and soil samples as necessary.

#### **Short-duration work stoppages:**

On the basis of observations, the Archaeological Monitor may request the Contractor for a short-term cessation of work at a particular location in order to record information in more detail, or to more thoroughly evaluate exposed material. **"Short-term cessation of work"** is defined as a **period of not more than two hours**. Stoppages in excess of two hours will fall under Documentary Monitoring, and require authorization as set out below.

### **4. Documentary Monitoring**

#### Decision-making process:

The decision on the necessity for Documentary Monitoring will be made by the Archaeological Monitor in consultation with representatives of the NJDOT BEPR and the NJSHPO. If the Archaeological Monitor on site determines that there are significant archaeological resources at the work location, and that these cannot be adequately evaluated and recorded through Observational Monitoring (up to and including a two-hour cessation of work), he/she will inform the Contractor and the Project Engineer immediately, and in any case within the two-hour cessation period if implemented.

The Project Engineer will convene, as soon as reasonably possible, a site meeting or conference phone call between the Contractor, the Archaeological Monitor, representatives of the NJDOT-BEPR and the NJSHPO and other parties as considered necessary by the Project Engineer (e.g., representatives of the tribal nations), to discuss the need for documentary monitoring, recommend appropriate documentation procedures and identify the anticipated extent and duration of the work needed. This work will not proceed without the written approval and agreement of both the NJDOT BEPR and the NJSHPO. A summary record of each decision will be emailed by the Project Engineer to the City of South Amboy and those representatives of the NJDOT BEPR and the NJSHPO involved in the decision.

#### Implementation:

For the duration of each Documentary Monitoring episode the defined portion of the site will be under the control of the Archaeological Monitor, who will be free to operate, within the terms of the agreement, at that location. The Archaeological Monitor will conform to the Health and Safety Plan provisions that apply at the project site, and will consult with the Contractor's Site Safety and Health Officer before starting work on each episode of Documentary Monitoring.

The Archaeological Monitor will inform the Contractor and Project Engineer as soon as each Documentary Monitoring episode is complete.

## **5. Procedures for Unanticipated Discovery by the Contractor**

When the Contractor's excavations encounter historic structural remains, or artifacts of historical or archaeological nature, and the Archaeological Monitor is not present, operations will be temporarily discontinued at that location for a period of not more than 24 hours. The Contractor will contact the Project Engineer immediately, and the Project Engineer will subsequently contact the Archaeological Monitor. In consultation with representatives of the NJDOT BEPR and NJSHPO, the Archeological Monitor will determine if Observational or Documentary Monitoring will be required. If monitoring will be required, it will proceed as described above.

## **6. Procedures for Discovery of Native American Archaeological Resources**

In the event archaeological monitoring of the Contractor's excavations shows that Native American archaeological resources have been encountered, all ground disturbing activity in the location of the discovery should be immediately halted until the Project Engineer and representatives of the NJDOT BEPR, the NJSHPO and the Delaware Nation have been notified. Such notification is to take place within 24 hours. The appropriate course of monitoring action with respect to the discovered Native American archaeological resources will be determined through consultation between representatives of the NJDOT BEPR, the NJSHPO and the Delaware Nation, the Project Engineer and the Archaeological Monitor.

## **7. Procedures for Discovery of Native American or Historic Period Human Burials**

If human remains are found, the Contractor and/or the Archaeological Monitor will immediately notify the Project Engineer, representatives of both the NJDOT BEPR and NJSHPO, and, if such remains are potentially of Native American origin, the designated representative of the Delaware Nation, informing them of the find and any actions taken.

All ground-disturbing activities in the vicinity shall cease immediately. The potential burials shall be left in place unless imminently threatened by human or natural displacement. Reversible actions such as careful obscuring and/or securing the burial(s) through backfilling of soils or other means shall be undertaken. Legal authorities and, as appropriate, the County Medical Examiner should be contacted by the Project Engineer to determine jurisdiction and legal measures that may be required. For the protection of the potential burials, information regarding the discovery shall not be disclosed to others except for individuals who have a need to know (e.g., site managers). If informative types of identification as to affiliation, condition, etc. prior to securing the potential burial(s) can be achieved without further displacement or excavation, this should be accomplished.

Excavation and other activities in the vicinity may resume after approval is provided by relevant parties potentially including, but not limited to, representatives of the State Medical Examiner's office, the NJDOT BEPR, the NJSHPO and the Delaware Nation. For most archaeological resource types involving human burials, if avoidance is not possible, archaeological data recovery can be accomplished prior to resumption of Contractor activities. However, for Native American and certain other human burials, exhumation may not be an acceptable alternative and may require embarking on a process of notification and consultation with lineal descendants and/or individuals and groups of similar cultural heritage. In addition, interested public and professional communities may need to be involved in

consultation concerning the appropriate treatment and disposition of human burials. Regardless of final disposition of human remains, dignity and respect should accompany all treatment.

Investigation of historic or Native American archaeological remains, including skeletal remains and other burial-related remains, shall be accomplished by a professional archaeologist meeting the National Park Service's Professional Qualifications Standards for Archaeology. Exhumation and analysis of historic or prehistoric period skeletal remains shall be accomplished by a professional skeletal analyst having: 1). a graduate degree in a field involving the study of the human skeleton such as skeletal biology, forensic osteology or other relevant aspects of physical anthropology or medicine; 2). a minimum of one year's experience in conducting laboratory reconstruction and analysis of skeletal remains, including the differentiation of the physical characteristics denoting cultural or biological affinity; and 3). demonstrated ability to design and execute a skeletal analysis including the written results and interpretations of such analysis.

**POINTS OF CONTACT (to be updated when project specifications are being finalized)**

**Archaeological Monitor:**

Hunter Research, Inc., 120 West State Street  
Trenton NJ 08608  
609-695-0122

James Lee, Vice President; xtn 106; Mobile 908-329-5331

*Alternate:*

Joshua Butchko, Principal Investigator, xtn 116. Mobile 609-350-3286.

**Contractor:**

To be determined

**Project Engineer:**

To be determined

**NJDOT Bureau of Environmental Program Resources (BEPR):**

To be determined

**New Jersey State Historic Preservation Office**

(contact one of the following in this order)

Kate Marcopul; Office 609-984-5816

*Alternates:*

Vincent Maresca; Office 609-633-2395

Jesse West-Rosenthal; Office 609-984-6019

**Delaware Nation**

Erin Paden, Director of Historic Preservation; 405-247-2448 xtn 1403

**EXHIBIT L  
CITY OF SOUTH AMBOY**

**SECOND AMENDED  
MEMORANDUM OF AGREEMENT  
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND  
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE INTERMODAL FERRY TRANSPORTATION CENTER  
CITY OF SOUTH AMBOY, MIDDLESEX COUNTY, NEW JERSEY**

**This agreement further amends the Memoranda of Agreement executed on July 25, 2003, amended December 22, 2009, and extended December 17, 2019 by agreement of all consulting parties.**

**USACE PERMIT APPLICATION NUMBER NAN-2020-00587-EMI**

**WHEREAS**, the City of South Amboy proposes to construct an intermodal ferry facility [including access roadways, parking, inter-connecting pedestrian access walkways, terminal and in-water improvements] to accommodate up to three ferry vessels in South Amboy, Middlesex County using funds provided by the Federal Highway Administration (FHWA) via the New Jersey Department of Transportation (NJDOT); and

**WHEREAS**, the FHWA, the New Jersey State Historic Preservation Office (NJSHPO), the Advisory Council on Historic Preservation (Council), and the NJDOT executed a Programmatic Agreement in November of 1996 which stipulates how FHWA's Section 106 responsibilities for NJDOT-administered federal aid projects will be satisfied; and

**WHEREAS**, in accordance with that agreement, the NJDOT has consulted with the NJSHPO in order to determine the area of potential effect (APE), to identify significant National Register eligible and listed properties, and to assess the effects of the project on both eligible and listed properties within the APE pursuant to the requirements of 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C.470f); and

**WHEREAS**, background and field research indicated that physical remains of the Camden & Amboy [ca. 1831 - 1871] and Pennsylvania [ca. 1871- 1965] Railroads persist within and beyond the APE, but the survival and integrity of the physical remains in the APE were initially thought to be low due, primarily to physical alterations of the topography; and

**WHEREAS**, the historic significance of the property within the APE initially resulted primarily from it being the location of nationally significant events, the feeling or sense of place conveyed by the few physical remains, and the setting of the former rail yard and piers; and

**WHEREAS**, previous consultation on other projects resulted in an initial June 26, 1975 opinion (and several reiterations of that opinion in the context of federally funded roadway and other projects) that the Camden & Amboy Railroad (Main Line) Historic District is eligible for listing in the National Register of Historic Places; and

**WHEREAS**, previous consultation has also indicated that the period of significance for the Camden & Amboy Railroad (Main Line) Historic District spans the tenures of both railroad companies; and

**WHEREAS**, consultation for other projects affecting the Camden & Amboy Railroad (Main Line) Historic District has focused on identifying and protecting contributing resources and features of the

historic district; introducing historically compatible new bridges, stations, and structures; and adequately mitigating the adverse effects resulting from new construction or removal of original features; and

**WHEREAS**, Hunter Research, Inc. (HRI) initially compiled an inventory of visible railroad remains within the APE [*The Catenary Structures at the Intermodal Ferry Transportation Center, South Amboy, Middlesex County, New Jersey with a note on Camden and Amboy Railroad Stone Sleepers, Historic Context, Description and Recommendations*; Ian Burrow, December 2002] which recommended that the overall integrity of the Camden & Amboy Railroad yards at this location is low due to the heavy and continual modification of the landscape for railroad and industrial use, and the explosion event of May 19, 1950 which destroyed buildings and facilities along the waterfront; and

**WHEREAS**, in consultation comments dated December 14, 2001 and February 27, 2002 the NJSHPO concurred with FHWA's determination that the construction of this project as proposed would have an adverse effect on the Camden & Amboy Railroad (Main Line) Historic District due to the alteration and/or removal of the catenary structures and stone sleepers; and

**WHEREAS**, in correspondence dated October 24, 2002 the NJ SHPO recognized the cumulative effect of multiple projects on the Camden & Amboy Railroad (Main Line) Historic District; and

**WHEREAS**, in 2002 the NJDOT and FHWA considered alternatives to avoid or minimize the adverse effects and found that they were not feasible; and

**WHEREAS**, a general Camden & Amboy corridor management study entitled *Camden and Amboy Railroad Historic Districts Study, Volume 1 and Volume 2* [Archaeological and Historical Consultants, Inc., 2001] identified appropriate mitigation strategies and additional opportunities which were considered by the project sponsors in developing a mitigation program to offset the adverse effects of the proposed construction; and

**WHEREAS**, consultation for the Southern New Jersey Light Rail Transit System (SNJLRTS) has involved extensively researched considerations of appropriate standard design features for new construction within the Camden & Amboy Railroad (Main Line) Historic District; and

**WHEREAS**; it is desirable to utilize a single design vocabulary for all projects within the historic district; and

**WHEREAS**, as part of the initial Section 106 consultation, two public meetings were held on February 8, 2001 and June 27, 2001 in the City of South Amboy to describe the project and the environmental studies which had been conducted to the public, and to allow the public to ask questions and provide comments on the work conducted to date; and

**WHEREAS**, questions and comments at that meeting related primarily to traffic engineering issues; and

**WHEREAS**, in 2001 and 2002 the FHWA, NJSHPO, NJDOT and City of South Amboy, consulted to develop a plan to mitigate the adverse effects; and

**WHEREAS**, the Council was notified of the adverse effect and was invited to participate in the consultation process via letter from the Federal Highway Administration's NJ Division Office dated March 21, 2002 and declined to participate in the consultation process; and

**WHEREAS**, in order to resolve adverse effects to historic properties, a Memorandum of Agreement (MOA), developed in consultation with consulting parties, was executed on July 25, 2003 which stipulated specific mitigation activities that must be completed in order to advance to construction; and

**WHEREAS**, a combined Environmental Assessment (EA) and Section 4(f) Evaluation were prepared pursuant to 42 U.S.C. 4332(2)(c), 54 U.S.C. 306108, 470(f), 49 U.S.C. 303 and 23 U.S.C. 138

(December 4, 2003), and a Finding of No Significant Impacts (FONSI) was made by FHWA on January 3, 2005; and

**WHEREAS**, for the purposes of construction the project was broken into four project phases: the Main Street Bridge, Radford Ferry Road Phase I, Radford Ferry Road Phase II, and the Intermodal Ferry Transportation Center (IFTC) site (remediation and construction); and

**WHEREAS**, the Main Street Bridge project was completed in Spring of 2007, the construction of the Radford Ferry Road Phase I project was completed in May 2009, the Radford Ferry Road Phase II project was completed in September 2012 and remediation of the IFTC site was completed in 2018; and

**WHEREAS**, although construction of the Main St. bridge project had been completed and construction on the Radford Ferry Road bridge had been initiated prior to the July 25, 2008 expiration of the MOA executed on July 25, 2003 (“2003 MOA”) as required by Administrative Condition V *Review of Implementation* of that agreement, the consulting parties agreed it would be prudent to execute an Amended MOA to address changes to the project and needed changes to the Stipulations of the 2003 Agreement; and

**WHEREAS**, the design for the IFTC was subsequently revised (from the 2003 proposal) prior to the issuance of a New Jersey Department of Environmental Protection (NJDEP) Waterfront Development permit on June 19, 2009 (Permit No. 1220-02-0002.2, WFD 050001) the location of the waterfront walkway was moved landward of the wetland transition area, the breakwater was significantly reduced in size, and the ferry dock and access locations were changed, thus both the dredging of approximately 36,000 CY of material and the containment area for the dredged materials were eliminated from the project; and

**WHEREAS**, an Amended MOA was executed on December 22, 2009; and

**WHEREAS**, archeological monitoring protocols were initially developed in 2009, revised in response to NJ SHPO comments (Gregg to Marcopul, 5/28/2009, and email, Hughes to Rappleye, 8/14/2009) in February of 2010, resubmitted to the NJ SHPO for comment on February 17, 2010, and revised in November of 2011 in response to comments from both NJDOT and the NJ SHPO as required by Stipulation I of the 2009 Amended MOA; and

**WHEREAS**, archeological monitoring was undertaken using the approved protocols 2012 as an adjunct to the construction of Radford Ferry Road Phase II and related soil remediation actions, and the work reported in Chapter 7 (*Identification and Evaluation of Archaeological Resources*), and Appendix F *Documentation of Wooden Trestle Structure. November 15, 2012*) of the report *Cultural Resources Investigations, Intermodal Ferry Transportation Center* (Hunter Research, Inc. December 2015); and

**WHEREAS**, archeological monitoring protocols involving both observational and documentary monitoring as required by the MOA were revised on mid-2016 and were employed in 2016 and 2017 in connection with the remediation of contaminated soils at the IFTC site; and

**WHEREAS**, for the purpose of managing and describing data, eighteen remediation areas were identified within the former Conrail and Spectrserve sites; and

**WHEREAS**, documentary monitoring following the unexpected discovery of a mid-19<sup>th</sup> century Camden & Amboy era railroad turntable beneath the remains of a late 19<sup>th</sup>/early 20<sup>th</sup> century engine house in Remedial Area 15, and traces of the original Camden & Amboy Railroad rail bed laid down in 1832, along with numerous re-used stone sleepers and evidence of underlying Native American occupation in Remedial Area 16 and registered as the Camden and Amboy Railroad/Pennsylvania Railroad Terminal Archaeological Site (28-Mi-289) revealed significant information about the natural

and culturally modified stratigraphy of the site (and the locale), as well as the potential for other features of both the Camden & Amboy and Pennsylvania Railroads' tenures of the site to be extant; and

**WHEREAS**, observational monitoring in other remedial areas of the IFTC site provided for the documentation of additional archeological resources; and

**WHEREAS**, the locations of the eighteen remedial areas are identified and the data collected during all monitoring efforts conducted to date are described in the report *Archaeological Monitoring and Testing, Environmental Remediation at the Former Conrail and Spectraserve Sites* (Hunter Research, Inc. June 2018); and

**WHEREAS**, additional archeological monitoring will be required during the construction of the IFTC site and terminal building in order to fully satisfy the requirements of Stipulation I of the 2009 Amended MOA, as extended in 2019; and

**WHEREAS**, the photographic documentation required by Stipulation II of the 2009 Amended MOA, as extended in 2019, has been taken at various times between 2002 and 2015, and selected photographs from the inventory of photos appear in the December 2015 report, *Cultural Resources Investigations, Intermodal Ferry Transportation Center* (Hunter Research, Inc.) in Chapters 6 (*Identification and Evaluation of Historic Architectural Resources*) and 7 (*Identification and Evaluation of Archaeological Resources*), and Appendices C (*Hunter Research, Inc. The Catenary Structures at the Intermodal Ferry Transportation Center, South Amboy, Middlesex County, New Jersey. 2002*) and F (*Documentation of Wooden Trestle Structure. November 15, 2012*); and

**WHEREAS**, the requirements for Field Verification of Pier/Wharf Locations of Stipulation III of the 2009 Amended MOA have been exceeded through the use of geo-rectified drone-acquired aerial photography for precise mapping, inspection and documentation (notes and photography) of all piling and pier/wharf remains, and Historic American Engineering Record (HAER)-level recording of the Westmoreland and Lehigh piers, and is documented in *Archaeological Documentation Camden and Amboy Railroad/Pennsylvania Railroad Wharves Westmoreland Pier and Lehigh Pier (Intermodal Ferry Transportation Center Site) City of South Amboy, Middlesex County, New Jersey* (Harshbarger, Hunter, and Butchko, December 2020); and

**WHEREAS**, a landscape architect working with HRI staff developed *Style Guidelines for the Intermodal Ferry Transportation Center, South Amboy, Middlesex County, New Jersey* (B. W. Bosenberg & Company, Inc. 2012) as a catalogue of design ideas responsive to the Secretary of the Interior's Standards for the Treatment of Historic Properties that would be appropriate for incorporation into the design of the IFTC site as required by Stipulation IV.A of the 2009 Amended MOA, as extended in 2019; and

**WHEREAS**; the IFTC site design must be responsive to the need to consider other environmental features and cannot be finalized until any restrictions to or modifications of the design are identified through the various state and federal permitting processes; and

**WHEREAS**, a stakeholder's meeting was held in the City of South Amboy on January 8, 2019 and a Pre-Application meeting was held with NJDEP's Office of Permit Coordination (12 NJDEP Units represented) and a representative of the United States Army Corps of Engineers (USACE) on May 28, 2019, for the purpose of identifying issues/concerns about the project that may affect the proposed design and/or the issuance of permits; and

**WHEREAS**, the design of the IFTC site was again revised prior to seeking permits from the NJDEP in 2020, to include an additional ferry berth (total 3), the elimination of the proposed breakwater, an elevated walkway and a detention basin, and to reintroduce approximately 24,400 CY of dredging and reuse of dredged materials on site to increase the site grade; and

**WHEREAS**, based on the revised site plan, a combined NJDEP Waterfront Development Individual Permit, Water Quality Certificate/Acceptable Use Determination was issued on June 8, 2020 that authorized construction of a ferry terminal comprised of a terminal building, staging plaza with canopy, floating docks, parking for approximately 626 cars, sidewalks, landscaping, lighting, five timber clusters, steel sheet bulkhead, and a stormwater management system, and required both filling of intertidal shallows and dredging; and

**WHEREAS**, the NJDEP permit also included Pre-Construction Conditions that repeated the outstanding conditions in the 2009 Amended MOA and new historic property concerns required submission of cross sections showing cut/fill of the IFTC site, for impacts on identified archeological properties completion of outstanding reports of cultural resources investigations, completion of additional archeological studies and appropriate consultation as warranted by the discovery of additional archeological resources or changes to the project design, and completion of the outstanding design work (interpretive and aesthetic); and

**WHEREAS**, the terminal site plan was again revised in response to pre-application consultation with the USACE and others in order to avoid impacts to intertidal mudflats considered to be a *special aquatic site*; and

**WHEREAS**, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, 33 U.S.C. § 403 and 33 U.S.C. § 1344, USACE has been requested to issue a permit authorizing the discharge of fill, dredging and construction of ferry berthing structures along the Raritan Bay waterfront as described by the City of South Amboy in Department of the Army permit application NAN-2020-00587-EMI; and

**WHEREAS**, the discharge of fill, dredging and installation of waterfront structures, by the applicant is identified as the “Undertaking” in the permit application; and

**WHEREAS**, USACE has defined the Permit Area for the Undertaking, as defined at 33 CFR Part 325, Appendix C, as:

- Construction of ferry berthing structures
- Construction of new bulkhead (approximately 1,225 linear feet constructed waterward of existing around a solid, filled pier)
- Discharge of fill within a reconstructed bulkhead on a solid filled pier (approximately 748 cubic yards of fill discharged over approximately 3,770 square feet/0.087 acres below plane of Spring High Water (SHW))
- Construction of an approximately 42-inch diameter outfall and associated scour protection (approximately eight cubic yards of fill discharged over approximately 560 square feet below the plane of SHW)
- Maintenance dredging (approximately 15,205 cubic yards dredged over approximately 148,181 square feet/3.40 acres)

And the following upland activities per 33 CFR Part 325, Appendix Section (1)(g)(1):

- Construction of a ferry terminal building
- Construction of a ferry plaza building
- Construction of parking lots and roadways
- Construction of walkways
- Construction of upland retaining wall/bulkhead (approximately 536 linear feet); and

**WHEREAS**, USACE has determined that the Permit Area for the Undertaking is identical to the Area of Potential Effect; and

**WHEREAS**, FHWA and the NJDOT have continued consultation with the NJSHPO pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); Advisory Council of Historic Preservation (Council) implementing regulations at 36 CFR Part 800; and

**WHEREAS**, modifications to the project resulting from consultation with the NJDEP and USACE prompted a modification to the project's APE, and additional investigations to identify historic properties and assess effects; and

**WHEREAS**, consultation with the NJSHPO resulted in the determination that additional elements of the Camden and Amboy Railroad/Pennsylvania Railroad Terminal Archaeological Site (28-Mi-289) extend eastward within the project site and that the Westmoreland and Lehigh Piers contribute to the Camden and Amboy Railroad Main Line Historic District (emailed comments, Marcopul to Rappleye 5/6/2021); and

**WHEREAS**, consultation for the dredging of a slightly less than four (4) acre area between the Westmoreland and Lehigh piers, resulted in agreement that the potential for the construction to encounter any contributing submerged archaeological resources is low based on prior dredging data from the 1870's, but noted that timber piles or crib remnants of the northeast end of the Westmoreland Pier demolition ca. 1910 may be present (Marcopul to Rappleye 5/6/2021); and

**WHEREAS**; the NJSHPO concurred that the proposed archaeological monitoring of construction in that area would be appropriate to treat any historic properties or unanticipated archaeological discoveries per 36 CFR 800.13; and

**WHEREAS**, the NJSHPO also concurred that the installation of steel sheeting around portions of the perimeter of the Westmoreland pier, a portion of the Lehigh piers and the intervening waterfront as required by the revised plan resulted in concurrence that this new component of the proposed construction would have no adverse effect [Marcopul to Rappleye 5/6/2021], but would not change the overall finding of adverse effect for the project; and

**WHEREAS**, the City of South Amboy has continued to develop the physical and aesthetic components of the IFTC Site Plan in accordance Stipulation IV of the 2009 Amended MOA; and

**WHEREAS**, the combined historic and archeological investigations of the IFTC site have provided important information on the Camden & Amboy Railroad's original construction methods, locations and use of the site through the nineteenth century, a more extensive understanding of site stratigraphy at this location, and both the existence of and the potential for undiscovered archeological remains to be present at the IFTC site; and

**WHEREAS**, elevation +15 above sea level has been established in consultation with Hunter Research, Inc. (HRI) as the highest elevation at which historically significant Camden & Amboy railroad and pre-Contact strata can reasonably be expected atop the pre-twentieth century sand peninsula where the *circa* 1832 Camden & Amboy Railroad rail alignment is located; and

**WHEREAS**, the site plan has been modified to avoid and/or minimize impacts to discovered archeological features/artifact bearing deposits and recently identified former land surfaces which have the potential to contain archeological features associated with the Camden & Amboy Railroad/Pennsylvania Railroad South Amboy Terminal Archaeological Site to the degree possible by raising the grade of the site and removing sub-grade drainage basins; and

**WHEREAS**, the cross sections submitted to the NJSHPO for review on July 24, 2020 demonstrated that the grade of the IFTC site has been designed to avoid construction below elevation +16 above sea level whenever possible; and

**WHEREAS**, the NJSHPO provided comments (email Baratta to Thein, 9/4/2020) concurring that construction would occur in only one area of high archeological sensitivity, but a minimum cap approximately two feet deep would be maintained at that location, thereby precluding the need for additional archeological investigations unless unexpected resources are discovered during project implementation; and

**WHEREAS**, the City of South Amboy has determined it is not feasible to construct a “gateway” to the IFTC facility, as originally envisioned, that preserves in place two types of catenary structures as required by Stipulation IV.B of the 2009 Amended MOA, but has proposed to preserve the one remaining catenary structure and three existing catenary vertical sections which will be modified to serve as light standards) elsewhere on the IFTC site and provide appropriate interpretation; and

**WHEREAS**, in consultation with the NJSHPO, the City of South Amboy has proposed a site plan that includes preservation and interpretation of extant historic features, reconstruction of interpretive features with appropriate signage, commemorative features, and an alternate gateway design that acknowledges the Camden & Amboy Railroad Historic District and uses materials and design that are compatible with the setting; and

**WHEREAS**, upon review of the draft landscape design documents and interpretive elements, in continuing consultation comments dated February 18, 2021, the NJSHPO found that the components of the plan are in conformance with the 2009 Amended MOA, as extended in 2019 and are generally compatible with the historic property (email Marcopulo to Rappleye, 2/18/2021); and

**WHEREAS**, after posting information (including technical reports describing historical, architectural and archeological research undertaken for the project, non-technical summaries, and related documents) on the City’s web site, the City of South Amboy sought comment from the public on the proposed IFTC site design during a February 25, 2021 virtual meeting; and

**WHEREAS**, those in attendance were supportive of the proposed design, and no objections to the proposed site plan have been raised or modifications to the plan requested; and

**WHEREAS**, the City of South Amboy has invited the Historical Society of South Amboy to participate in the further development of interpretive features for the IFTC; and

**WHEREAS**, a conceptual rendering of the ferry terminal building has been submitted to the NJSHPO for comment, was included in information posted on line and displayed at the February 25, 2021 public meeting; and

**WHEREAS**, the ferry terminal building will be built in the future, subject to continuing Section 106 consultation, and addressed in the stipulations below; and

**WHEREAS**, during the 2016-2017 archeological monitoring large Camden & Amboy Railroad artifacts were recovered and stockpiled on site for use in future interpretive or landscape features; and

**WHEREAS**, archaeological fieldwork has identified large quantities of Camden & Amboy Railroad stone rail sleepers and blocks that are present on-site and has documented their existence and location (HRI December 2020 report); and

**WHEREAS** the FHWA, NJSHPO, NJDOT, and City of South Amboy have agreed that all such artifacts in the tidal zone remain in-situ regardless of whether or not they are in their original locations; and

**WHEREAS**, the City of South Amboy has agreed to retain ownership of all archeological materials (artifacts and related records) recovered from the site during the current project for use in educational/interpretive exhibits on site, at City-owned properties, or through loan agreements with other facilities in lieu of offering them to other facilities as described in Stipulation V of the 2009 Amended MOA, as extended in 2019; and

**WHEREAS**, the additional historic research required by Stipulation VI.A of the 2009 Amended MOA, as extended in 2019, has been completed and the information obtained has been integrated into the several reports of investigations completed for IFTC project, but notably in Chapter 5 [*Historic Context for The Camden and Amboy Railroad (Main Line) Historic District (1831-1970)*] of *Cultural Resources Investigations, Intermodal Ferry Transportation Center* (Hunter Research, Inc. December 2015); and

**WHEREAS**, the technical reporting requirement included in the 2009 Amended MOA, as extended in 2019, as Stipulation VI.B has been satisfied through the compilation of three documents:

- *Cultural Resources Investigations, Intermodal Ferry Transportation Center* (Hunter Research, Inc. December 2015 which consolidates information from several earlier studies conducted prior to the execution of the 2009 Amended MOA,
- *Archaeological Monitoring and Testing, Environmental Remediation at the Former Conrail and Spectraserve Sites* (Hunter Research, Inc. June 2018), and
- *Archaeological Documentation Camden and Amboy Railroad/Pennsylvania Railroad Wharves, Westmoreland Pier and Lehigh Pier (Intermodal Ferry Transportation Center, City of South Amboy, Middlesex County, New Jersey)* (Hunter Research, Inc. December 2020); and

**WHEREAS**, reporting of the archeological monitoring for the construction of the IFTC site and, later, the terminal building will be compiled as addenda to the existing report (or in an alternate format as agreed with the NJSHPO) as defined in Stipulations II below; and

**WHEREAS**, pursuant to the 2009 Amended MOA, an initial non-technical descriptive summary of information about the history of the rail facility in the context of the Camden & Amboy and Pennsylvania rail systems, *The Intermodal Ferry Transportation Center, New Jersey's First Tidewater Railroad Terminal* (Hunter Research, October 2015) was prepared in the NJDOT's *Cultural Resources Digest* format and posted on the City's web site pursuant to Stipulation VI.C of the 2009 Amended MOA, as extended in 2019; and

**WHEREAS**, a second non-technical summary addressing the results of the 2016-2017 archaeological monitoring program, *The Intermodal Ferry Transportation Center, New Jersey's First Tidewater Railroad Terminal, Archaeological Monitoring Supplement* (Hunter Research, May 2018) was also prepared in the Cultural Resources Digest format and posted on the City's web site pursuant to Stipulation VI.C of the 2009 Amended MOA, as extended in 2019; and

**WHEREAS**, the City of South Amboy reposted the two non-technical summaries along with all cultural resources reports prepared to date (and relevant documents) on their website on February 12, 2021 pursuant to Stipulation VI.C of the 2009 Amended MOA, as extended in 2019; and

**WHEREAS**, the City of South Amboy has created an "Updated Ferry Project Information" Quick Link on their web site to continue to make existing and subsequent cultural resources reports and related documents publicly available, to provide an address where information about the IFTC site design and interpretive features will be available for public review and comment during the final design process, and to provide updates on the project during construction; and

**WHEREAS**, the City has agreed to continue to maintain all (present and future) cultural resources reports prepared for this project and related documents as a feature of the City's website for at least ten

(10) years, with the documents becoming part of the site's archive once they no longer appear as a feature of the site; and

**WHEREAS**, FHWA has determined that the undertaking will have an effect which is not adverse on the newly identified (and subsequently expanded) Camden & Amboy Railroad/Pennsylvania Railroad South Amboy Terminal Archaeological Site, 28-Mi-289, which is individually eligible for listing in the National Register of Historic Places and eligible as a contributing element of the Camden & Amboy Railroad (Main Line) Historic District, and the undertaking in its entirety continues to have an adverse effect on the New Jersey and National Register eligible Camden & Amboy Railroad (Main Line) Historic District; and

**WHEREAS**, FHWA initiated consultation with the Delaware Nation, the Delaware Tribe of Indians of Oklahoma and the Shawnee Tribe on February 16, 2021, to request their comments on the proposed undertaking, and sent a second request on March 16, 2021; and

**WHEREAS**, the Delaware Nation responded on March 16, 2021 (Paden to To Whom It May Concern) noting the possibility of endangering cultural or religious sites of interest to the Delaware Nation and stating that as long as an archeological monitor is present and could halt construction to allow for consultation with the Delaware Nation should artifacts or a site be inadvertently discovered, the project could continue as planned; and

**WHEREAS**, the Delaware Tribe of Indians responded on April 26, 2021 stating they have no objection to the proposed project, but asked that if any archaeological or human remains are discovered during construction that work be halted, the tribe notified immediately, and appropriate consultation be initiated; and

**WHEREAS**, the Shawnee Tribe did not respond to either request for comments; and

**WHEREAS**, the requests from the tribal nations will be specifically included in the archaeological monitoring plan and discussed at the preconstruction conference to be held after selection of a contractor for the work and prior to the initiation of any on-site construction activities; and

**WHEREAS**, all federally recognized tribal nations will continue to be consulted if any additional Pre-Contact period archaeological resources or historic properties are identified during project implementation; and

**WHEREAS**, this agreement amends the previous Memoranda of Agreement [executed on July 25, 2003, as amended on December 22, 2009] and extended on December 17, 2019 via agreement by the Signatories;

**NOW, THEREFORE**, the FHWA, and the NJSHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

## STIPULATIONS

The FHWA and USACE shall ensure that the following measures are carried out:

The City of South Amboy, using the services of a qualified consultant, in accordance with Administrative Condition II and prior to the initiation of construction, shall implement the following stipulations.

### **I. Design Considerations**

#### **A. Site Design**

The City of South Amboy, using the services of a landscape architect working with a qualified consultant, in accordance with Administrative Condition II shall develop site plans and specifications that minimize the visual impacts of the new construction on the remaining features of the historic rail facility. The City of South Amboy shall continue to consult with the NJSHPO and any consulting parties that may wish to participate, for review and comment on the design of the IFTC site, including the planned gateway, interpretive features and site amenities (benches, trash receptacles, lighting, etc.) to ensure the design is responsive to the standards, guidelines, and recommended approaches for new construction affecting historic properties as set forth in the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Historic compatibility considerations shall include design, location, size, scale, materials, color, workmanship, and visual impacts. As the design progresses, the City shall post site design information on its website to inform the public of the progress of the design.

#### **B. Site Interpretive Features**

The City of South Amboy using the services of a qualified consultant, in accordance with Administrative Condition II shall provide plans and specifications for the use of artifacts and historic documents as part of interpretive displays on-site, in the new terminal facility and as part of the purpose-built gateway structure. The City of South Amboy shall seek and consider the comments of the Historical Society of South Amboy NJSHPO and any consulting parties that may wish to participate as they continue to develop the interpretive components of the IFTC site.

#### **C. Site Design Review**

The City of South Amboy shall ensure that site plans, including design details, and specifications are submitted to the NJSHPO for review as soon as possible, but at least sufficiently prior to seeking authorization of funding for the project from NJDOT that any comments provided by the NJSHPO can be addressed. Any design issues raised by the NJSHPO shall be addressed and resolved through consultation among the City, NJSHPO, and NJDOT prior to advertisement of the project and/or prior to the initiation of any actions which may limit or preclude the consideration of alternatives. NJDOT shall request that FHWA participate in the consultation if the issues cannot be resolved without their intervention.

#### **D. Terminal Design**

The City of South Amboy shall continue to consult with the NJSHPO and any other consulting parties that may wish to participate, on the design of the terminal building to ensure the design is responsive to the standards, guidelines, and recommended approaches for new construction affecting historic properties as set forth in the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Historic compatibility considerations shall include design, location, size, scale, materials, color, workmanship, and visual impacts. As the design progresses, the City shall post site design information on its website to inform the public of the progress of the design. The site plans, including design details, and specifications shall be submitted to the NJSHPO for review as soon as possible, but

at least sufficiently prior to advertising for the construction of the project that any comments provided by the NJSHPO can be addressed. Any design issues raised by the NJSHPO shall be addressed and resolved through consultation among the City and NJSHPO and/or pursuant to Administrative Condition V prior to advertisement of the job and/or prior to the initiation of any actions which may limit or preclude the consideration of alternatives.

## **II. Archeological Monitoring**

### **A. Revised Protocols**

The City of South Amboy shall ensure that monitoring protocols developed for earlier phases of construction are updated to reflect the greater understanding of the site; the requests of the Tribal Nations; and the potential for resources to exist/be discovered during construction of both the IFTC site and the terminal building. The revised protocols shall identify specific construction activities that will require archaeological monitoring based on current plans and cross sections, and any subsequent revisions that are made. The revised protocols shall provide for inclusion of appropriate preconstruction notification of all construction inspectors and contractors; procedures for notification of the project archeologist(s), NJDOT-Bureau of Environmental Program Resources (BEPR), NJSHPO, and the Tribal Nations of the unexpected discovery of archeological features/resources; immediate cessation of work; and consultation to identify additional measures required for Section 106 compliance. The revised protocols shall be submitted to the NJSHPO and the NJDOT-BEPR for review and comment prior to advertising the construction contract; shall be included in the construction bid package; and shall be an item of discussion during the preconstruction conference. In accordance with Stipulation III, the results of the archaeological monitoring shall be submitted to the Signatories for review and comment.

### **B. Artifact Inventory**

The project archaeologist(s), in coordination with the City of South Amboy and the Historical Society of South Amboy, shall prepare a final inventory of artifacts, including sleeper stones, recovered, stored or stockpiled during all phases of the project. The City of South Amboy shall retain ownership of all artifacts, but may loan them to other repositories that also meet the curation standards found at 36 CFR Part 79 for an extended period of time. The final inventory will indicate the disposition of the artifacts (either as interpretive components of the IFTC Site or placed in storage or on display at other locations) and shall indicate whether a loan agreement has been executed. The City of South Amboy, as the owner of the collection, shall retain the responsibility for maintaining information about the location of any loaned artifacts. If any materials are culled from the collection due to such reasons as limited significance or contamination, the project archaeologist(s) shall provide a written justification of the procedure used to cull artifacts. This artifact inventory shall be made part of the project's final reporting.

## **III. Final Reporting**

The City shall ensure that appropriate reporting of the research conducted for all phases of the project is completed. Any new data collected during subsequent monitoring shall be placed in the context of the existing body of knowledge about the use of this locale. Reporting for monitoring work shall be completed within three (3) months of the completion of fieldwork. A paper copy of all final reports/cultural resources documentation must be provided to NJSHPO and NJDOT-BEPR; a digital submission containing the same documentation must also be submitted with the final reports. A digital submission containing all of the cultural resources reports and documentation should be provided to the Historical Society of South Amboy, Library at the Stevens Institute, the NJ Transportation Museum and the NJ State Library. Additional copies should be provided to other institutions upon request.

## **ADMINISTRATIVE CONDITIONS**

### **I. USACE Authorization**

USACE shall ensure implementation of the terms of this MOA as a condition of the Permit.

### **II. Professional Qualifications**

The City and NJDOT, on behalf of FHWA and USACE, shall ensure that all work is carried out by/under the direct supervision of a person or persons meeting at a minimum the *Secretary of the Interior's Professional Qualifications Standards* for Archaeology, History and/or Architectural History [48 FR 44738-44739] as appropriate.

### **III. Duration**

This MOA will expire if construction is not initiated within ten (10) years from the date of execution. If, after ten (10) years without action the City of South Amboy chooses to continue with the Project, NJDOT shall re-initiate its review in accordance with the provisions of 36 CFR Part 800. Prior to the expiration, FHWA may consult with all signatories to reconsider the terms of the MOA and amend it in accordance with Administrative Condition VI below.

### **IV. Design Changes**

If any changes to the IFTC project design occur which have the potential to affect historic properties, the City of South Amboy shall notify the NJDOT-BEPR. NJDOT, with the assistance of the FHWA, shall consult with the NJSHPO in accordance with the provisions of 36 CFR Part 800.

- A. For any such changes, the City shall submit a plan sheet or design sketch showing the proposed change; a written description of why the change is needed; and a description of alternatives considered to achieve the same goals. If formal consultation is initiated, the NJSHPO shall provide written comments to the City, FHWA, NJDOT [Bureau of Environmental Program Resources and Local Aid] within five working days of receipt of documents. Review comments shall evaluate the change for its potential to affect historic properties and its conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.
- B. Should the changes require a modification of an NJDEP-issued permit, the request for modification (including the information enumerated in Administrative Condition IV.A) shall be provided to all Signatories at the time of the request for modification. Comments provided by the NJSHPO in the context of the permit modification process shall suffice for the purpose of complying with the provisions of Administrative Condition IV.A and 36 CFR Part 800. If additional consultation with Tribal Nations is required, that consultation must also be completed in order for consultation to be in compliance with 36 CFR Part 800.

### **V. Dispute Resolutions**

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FHWA shall consult with such party to resolve the objection. If the FHWA determines that such objection cannot be resolved, FHWA shall:

- A. Forward all documentation relevant to the dispute, including the City of South Amboy's proposed resolution, to the Council. The Council shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the Council, signatories and concurring parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.
- B. If the Council does not provide its advice regarding the dispute within the thirty (30) day time period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the Council with a copy of such written response.
- C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

## **VI. Amendments**

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all the signatories is filed with the Council.

## **VII. Project Completion**

The City shall submit a short narrative report with appropriate illustrations/photographs to all Signatories documenting the completed project within 90 days of completion of construction.

## **VIII. Termination**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation 5 above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the FHWA must either (a) execute an MOA pursuant to 36 CFR 800.6 or (b) request, take into account, and respond to the comments of the Council under 36 CFR 800.7. The FHWA shall notify the signatories as to the course of action it will pursue.

Execution of this MOA and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and have afforded the Council an opportunity to comment.



## MOA - Appendix A

### South Amboy Intermodal Ferry Transportation Center Reports/Documents

Note: Parenthetical references are to documents posted on the City of South Amboy's web site found at [www.southamboynj.gov](http://www.southamboynj.gov)

#### Administrative

7/25/2003 Memorandum of Agreement [*MOA-Superseded*]  
11/2003 Environmental Assessment & Section 4(f) documentation (FONSI signed 12/4/2003) [*SA Ferry NEPA Vol 1; SA Ferry NEPA Vol 2*]  
12/22/2009 Amended MOA [*FHWA Memorandum of Agreement*]  
Mid-December 2019 MOA extended per agreement of Consulting Parties [*SA MOA Extension*]

#### Technical

7/23/2001 Geophysical Investigation Report, South Amboy Regional Intermodal Transportation Center, South Amboy, New Jersey [Geo-Graf, Inc] [*included as an appendix in IFTC Final Report*]

10/31/2001 *Coal Thawing Plants: Context, Description and Preliminary Evaluation of Significance and Assessment of Effects*[Hunter Research, Inc.] [not posted on South Amboy website]

12/2002 *The Catenary Structures at the Intermodal Ferry Transportation Center, South Amboy, Middlesex County, New Jersey with a Note on the Camden and Amboy Stone Sleepers* [*included as an appendix in IFTC Final Report*]

11/15/2012 Documentation of Wooden Trestle Structure [Hunter Research] [*included as an appendix in IFTC Final Report*]

October 2012 *Style Guidelines for the Intermodal Ferry Transportation Center, South Amboy, Middlesex County, New Jersey* [B.W. Bosenberg & Company, Inc., Landscape Architects] [Appendix E Style Guide]

July 2015 (Dec.2015 rev) *Cultural Resources Investigations, Intermodal Ferry Transportation Center, City of South Amboy, Middlesex County, New Jersey* [Hunter Research] – includes identification surveys from 2000 to 2003; reports of additional investigations in 2011 and 2012; and documentation of work in compliance with Stipulations II (Photographic Documentation), Stipulation III (Field Verification of Pier/Wharf locations)' Stipulation VI.A (Additional Research – including historic context study), Stipulation VI.B (Technical Report), and Stipulation I (Archeological monitoring of Construction to date) [*IFTC Final Report*]

October 2015 *The Intermodal Ferry Transportation Center, New Jersey's First Tidewater Railroad Terminal*; NJDOT Cultural Resources Digest Series [Hunter Research] [*SA Non-tech Report 1*]

May, 2016 Photographic Documentation: *Catenary Structures, South Amboy Yard of the Pennsylvania Railroad, South Amboy, Middlesex County, New Jersey* [Hunter Research] [*Catenary Report*]

March 2018 *Archaeological Monitoring and Testing, Environmental Remediation at the Former (June 2018 rev.) Conrail and Spectraserve Sites, Intermodal Ferry Transportation Center, City of South Amboy, Middlesex County, New Jersey* [Hunter Research] [*IFTC Monitoring South Amboy*]

May 2018 *The Intermodal Ferry Transportation Center, New Jersey's First Tidewater Railroad Terminal, Archaeological Monitoring Supplement*; NJDOT Cultural Resources Digest Series [Hunter Research] [*SA Non-tech Report 2*]

- Dec. 2020 *Archaeological Documentation Camden and Amboy Railroad/Pennsylvania Railroad Wharves, Westmoreland Pier and Lehigh Pier (Intermodal Ferry Transportation Center, City of South Amboy, Middlesex County, New Jersey [Hunter Research] [South Amboy Wharves & Piers Documentation Report]*
- February 17, 2021 *Memo, Hunter and Harshbarger to Tardy, South Amboy Intermodal Ferry Terminal, Supplemental Archaeological Sensitivity Assessment of Dredging Area for Section 106 Compliance, City of South Amboy, Middlesex County, New Jersey*