PORT AUTHORITY NY NJ
AIR LAND RAIL SEA

January 9, 2023

SUBJECT: PERFORMANCE OF EXPERT PROFESSIONAL INTEGRITY MONITORING SERVICES FOR PORT AUTHORITY FACILITY INFRASTRUCTURE PROJECTS – AS REQUESTED ON A "CALL-IN" BASIS DURING 2023 THROUGH 2028 (RFP# 6000001251) - ADDENDUM # 1

The Port Authority of New York and New Jersey (the Authority) hereby is providing additional details for the subject Request for Proposals (RFP), as follows:

1) **Delete RFP letter dated December 14, 2022, and replace with RFP letter dated January 09, 2023.**

The following questions were received from a Request for Proposals (RFP) recipients(s). The questions and the corresponding Authority answers are provided for your information and use, as appropriate.

Question1: Section I – The Background indicates that the construction projects will range from $10 million to $600 million. Can you provide a list of anticipated construction projects, ie bridges/roadways, centralized ground transportation, parking structures?

Answer 1: The projects will be identified on a Task Order basis.

Question 2: Section IV, Paragraph D - The request for "multipliers" as referred to in subparagraph 7A of the standard Agreement, and the breakdown of the multiplier's components is different than the way professional services rates have been requested in recent Integrity Monitoring RFPs. Please confirm that this is the desired methodology for the Integrity Monitor scope.

Answer 2: As per the RFP letter under Section IV, Letters D and F, provide your firm(s) multipliers(s) and hourly rates.

Question 3: Section IV, Paragraph F – As this RFP is task order based, and we anticipate a large proposal team that will be able to serve the varied needs of the OIG, can the Proposer provide hourly rates for the various staffing categories instead of by individual employee on the Salary Schedule?

Answer 3: This is acceptable.

Question 4: Is the Proposer only allowed to consider MWBE/SDVOB subconsultants included in the initial proposal when proposing on future task orders or may we add additional qualified MWBE/SDVOB subconsultants on future task order proposals?

Answer 4: As per Letter I in Section IV. of the RFP Letter, the selected Consultant(s) shall submit to the Authority for review and approval prior to commencing any services, along with invoices, the Statement of Subcontractor Payments in the form of the MBE/WBE Participation

Report (Form PA 3760C) and/or SDVOB Participation Plans (Form PA 3760SDV1) for each Task Order to perform work.

For the purposes of this RFP, provide the names and addresses of all MBE/WBE/SDVOBs that shall be included in the Plan. If none are identified, describe the process for selecting participant firms in order to achieve the good faith goals under this Agreement. If possible, indicate the percentage of MBE/WBE/SDVOB participation expected to be achieved with the arrangement described in the Plan, and describe the specific scope of work the MBE/WBE/SDVOBs will perform. If possible, provide proof of MBE/WBE/SDVOB certification status with the Authority.

Question 5: For consultants who are minority certified with other government entities, will their certificates count even if they are not yet certified by the Port Authority?

Answer 5: As per Section 19 of the Agreement, "The Authority has set a goal of twenty percent (20%) participation by qualified and Authority certified MBEs and ten percent (10%) for qualified and Authority certified WBEs on technical service projects for a total combined MWBE goal of thirty percent (30%), and three percent (3%) of the total contract price for Port Authority certified SDVOBs or SDVOBs certified in the State of New York."

You can propose non-certified Authority firms as subconsultants; however, they cannot be counted as credit towards the MBE/WBE goals (20% MBE, 10% WBE and 3% SDVOB). Good faith efforts should be exercised as a priority and are recorded as a matter of record. If you cannot find a firm to meet the criteria for MBE/WBE/SDVOB credit, then you can proceed to firms that are not Authority certified. Please include with your Proposal an explanation as to your search criteria as part of the RFP scope for which you are seeking a subconsultant. However, we encourage the use of Authority certified firms to the maximum extent possible. The Authority also encourages any firms that are not Authority certified to submit their application and become Authority certified should they meet the requirements.

Question 6: Section VII – How many firms does the Authority expect to engage with under this RFP?

Answer 6: At this time The Port Authority can't disclose this information.

If you have any questions, please contact Mr. Thomas Lal at TLAL@panynj.gov

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January 09, 2023

SUBJECT: REQUEST FOR PROPOSALS FOR PERFORMANCE OF EXPERT PROFESSIONAL INTEGRITY MONITORING SERVICES FOR PORT AUTHORITY FACILITY INFRASTRUCTURE PROJECTS – AS REQUESTED ON A "CALL-IN" BASIS DURING 2023 THROUGH 2028 (RFP# 6000001251)

The Port Authority of New York and New Jersey (the "Authority" or "Port Authority") is seeking Proposals in response to the subject Request for Proposals (RFP) for the performance of expert professional integrity monitoring services for Port Authority facility infrastructure projects as requested on a "call-in" basis during 2023 through 2028. At the Authority's discretion, the term may be renewed for two (2) additional, one-year periods (a total of eight years maximum).

The scope of services to be performed by you are set forth in Attachment A to the Authority's standard agreement (the "Agreement") included herewith. You should carefully review this Agreement as it is the form of agreement that the Authority intends that you sign in the event of acceptance of your Proposal and forms the basis for the submission of Proposals. At its discretion, the Authority may retain multiple firms for performance of the subject services.

PRE-PROPOSAL MEETING

A virtual Pre-Proposal Meeting is scheduled on January 10, 2023, at 12:00 P.M. Eastern Time (ET). Please use the below link to access the meeting.

Event address for attendees: Microsoft Teams meeting

Join on your computer, mobile app or room device

Click here to join the meeting

Meeting ID: 288 100 554 563
Passcode: Fo2vdQ

Download Teams | Join on the web

Or call in (audio only)

+1 607-442-4632,,780628349# United States, Elmira

Phone Conference ID: 780 628 349#

II. PROPOSER REQUIREMENTS:

The Authority will consider only those firms who are able to demonstrate compliance with the following minimum qualifications requirements:

A. The Proposer shall have had a minimum of five (5) years of demonstrated experience in the performance of integrity monitoring services or related activities; and

B. The Proposer shall have at least two (2) years' experience performing integrity monitoring services on a minimum of two (2) construction projects in the U.S., each with a construction value in excess of $10 million.

A determination that a Proposer meets the forgoing requirements is no assurance that the Proposer will be selected for performance of the subject services. Firms that do not meet these requirements shall not be considered.

III. PROPOSAL FORMAT REQUIREMENTS:

To respond to this RFP, the Proposer shall submit a concise Proposal in response to each of the following basic criteria:

A. To be acceptable, this Proposal shall be no more than **20** pages, using 12 point or greater font size, not including resumes. The page limit pertains only to Letters <G> and <H> in Section IV, below. Each resume shall be a maximum of two-pages using 12 point or greater font size. The Proposal pages shall be numbered. The cover page of your submittal must be labeled to include the RFP Number 6000001251 and title as indicated in the "Subject" above, full legal name of your firm and your firm's Port Authority Vendor ID number.

If your firm is not a registered vendor with the Port Authority, please visit https://www.paprocure.com/irj/portal to create an account and receive a PA Vendor ID number.

For further instructions for creating a PA Vendor ID number and answers to frequently asked questions please visit: https://www.paprocure.com/irj/servlet/prt/portal/prtroot/pcd!3aportal_content!2fcom.panynj.fld_Anonymous!2fcom.panynj.ivw_supp_registration_id.

B. Separate each section of the Proposal with a divider that is labeled in accordance with the letter of the requirements specified below in Section III.

C. In each submission to the Authority, the Proposer shall use its **FULL LEGAL NAME WITHOUT ABBREVIATIONS**. Failure to comply with this requirement may lead to delays in contract awards and contract payments, which shall be the responsibility of the Proposer.

D. **The Port Authority has transitioned to an entirely digital submission process for the receipt of proposals in response to this RFP using the Bonfire platform, located at the link below.**

Proposers must register and create a free Bonfire account at the provided link in order to log in and download the referenced solicitation and associated information, and in order to upload proposal submissions. Registration on the Bonfire platform requires a registration that is separate and distinct from all other Authority software platforms.

The Authority shall accept only those proposals in electronic format for which the submission or modification is completed at the time of the Proposal Due Date. Proposal submissions will be accepted by upload only, at https://panynj.bonfirehub.com/portal/?tab=login and must be uploaded and received by the Authority **no later than 2:00 P.M. Eastern Time (ET) on January 24, 2023.** Emailed submissions, hand deliveries and mailed deliveries (e.g., UPS, USPS) will not be accepted.

Proposal submissions must be uploaded, submitted and finalized prior to the Proposal Due Date. Proposers are strongly urged to allow sufficient time of at least one (1) day prior to the Proposal Due Date to begin the uploading process and finalizing the Proposal submission. Proposers will receive an email confirmation receipt with a unique confirmation number once a Proposal submission is finalized.

Proposers will be permitted to submit modifications to Proposals or withdraw previously submitted Proposals electronically up to, but not after, the time of the Proposal Due Date.

E. Interested Subconsultants are encouraged to add your firm to Port Authority certified Subconsultant's list for this RFP using the following link: https://www.panynj.gov/port-authority/en/business-opportunities/solicitations-advertisements/professional-services.html. Prime proposers can access Subconsultants information by using the same link.

IV. SUBMISSION REQUIREMENTS:

To respond to this RFP, provide the following information:

A. In the front of your Proposal, provide a copy of Attachment B (Agreement on Terms of Discussion), signed by an officer of your company. If proposing as a joint venture, each firm in the joint venture must sign a copy of Attachment B.

B. A completed copy of Attachment C (Company Profile).

C. Transmittal Letter

Submit the transmittal letter, on letterhead, signed by an authorized representative, demonstrating compliance with the aforementioned "Proposer Requirement" as noted in Section I above. For all projects referenced, include the name of the client/company and the client/company's contact information for verification purposes.

In addition, include a statement indicating whether the Proposer is proposing as a single entity, or as a joint venture.

1. If a single-entity proposer cannot demonstrate that it meets all of the referenced qualifications, then the single-entity proposer may, with others, form a joint venture and request that the joint venture be deemed to be the Proposer (i.e., members of the joint venture may meet the qualification requirement collectively). If a common-law joint venture submits a proposal, all participants in the joint venture shall be bound jointly and severally and each participant shall execute the proposal.

2. If the Proposer is a joint venture, the joint venture's Proposal shall contain an executed teaming agreement, or alternatively, if the entities making up the joint venture proposer have not executed a teaming agreement, the joint venture's proposal shall contain a summary of key terms of the anticipated agreement. If the joint venture proposer is a consortium, partnership or any other form of a joint venture, or an association that is not a legal entity, the Proposal shall include a letter signed by each member indicating a willingness to accept joint and several liability until the point at which a corporation, limited liability company or other form of legal entity is formed, if any (firms shall remain jointly and severally liable in the absence of the formation of such legal entity), for the purposes of undertaking the Agreement.

D. Provide the "multipliers" referred to in subparagraph 7A of the accompanying standard Agreement including a breakdown of said multiplier, indicating all of its components (e.g., vacation, holiday, sick pay, workers' compensation, office rent, insurance, profit).

E. Staff Qualifications and Experience

Resumes, including technical qualifications, of all full-time key personnel (including subconsultants, if any) of your firm who will be assigned to perform the requested services. Key personnel include, but shall not be limited to, investigators, auditors, engineers, reviewers and various trade or professional titles.

F. Include the names titles and hourly rate(s) and billing rates that would be in effect at the start of the Agreement term for professional and technical personnel who will be assigned to perform any services requested. Indicate billing rates for partners or principals and actual hourly pay rates for all other billable employees. Provide a company policy for compensation for premium pay (i.e. holidays, shift differentials, regular days, weekends and night work or union required payments must be included). **Please use the provided attachment labeled "Exhibit I – Salary Schedule" as a template**. Typical job titles may include, but are not limited to, the following:

1. Principal or Partner (Billing Rate)
2. Engineers (Actual Hourly Rate)
3. Project Manager (Actual Hourly Rate)
4. Auditors (Forensic) (Actual Hourly Rate)
5. Investigators (Actual Hourly Rate)
6. Environmental Specialists (Actual Hourly Rate)
7. Safety Specialists (Actual Hourly Rate)

G. Firm Qualifications and Experience

Identify the experience of your firm in providing services similar to those contemplated herein. Identify comparable services performed during the last five (5) years, owners (client/agency), owner's contact information (for verification purposes), and indicate whether said projects were completed on schedule and within budget. Provide an explanation, if applicable, for why a project was not completed on schedule and/or within budget.

H. Management Approach

Provide your proposed Management Approach to performing the required services, being responsive to the client's needs, keeping the client apprised of the project status, and to ensuring the quality of the work product.

I. Your attention is directed to Paragraph 19 of the Agreement in which the Authority has stated the Minority Business Enterprises (MBEs), Women-owned Business Enterprises (WBEs), and Service-disabled Veteran-owned Business Enterprises (SDVOBs) goals for participation in this program. In order to facilitate the meeting of these goals, the Consultant shall use every good-faith effort to utilize subconsultants who are Authority-certified MBEs, WBEs or SDVOBs or SDVOBs certified by the State of New York to the maximum extent feasible. A listing of certified MBE/WBE/SDVOBs firms is available at https://www.panynj.gov/port-authority/en/business-opportunities/supplier-diversity/directories-of-MWBE.html.

For each Task Order to perform work issued under this Agreement, the selected Consultant(s) shall submit to the Authority for review and approval prior to commencing any services, along with invoices, the Statement of Subcontractor Payments in the form of the MBE/WBE Participation Report (Form PA 3760C) and concerning SDVOB participation, the Proposer shall submit the SDVOB Participation Plans (Form PA 3760SDV1), both of which may be downloaded at https://www.panynj.gov/port-authority/en/business-opportunities/Vendor-Resources.html.

The Authority has a list of certified MBE/WBE/SDVOB service firms which is available to you at http://www.panynj.gov/business-opportunities/supplier-diversity.html. The Consultant will be required to submit to the Authority's Office of Diversity, Equity and Inclusion (ODEI) for certification the names of MBE/WBE/SDVOB firms it proposes to use who are not on the list of certified MBE/WBE/SDVOB firms.

The Consultant shall include their MBE/WBE Participation Plans (Form PA 3760C) with their task order proposals, to be reviewed and approved by the Authority's ODEI. Concerning SDVOB participation, the Consultant shall include their SDVOB Participation Plans (Form PA 3760SDV1) with their task order proposals, to be reviewed and approved by the Authority's ODEI.

The MBE/WBE/SDVOB Plan submitted by the Consultant to the Authority shall contain, at a minimum, the following:

- Identification of MBE/WBE/SDVOBs: Provide the names and addresses of the MBE/WBE/SDVOBs. If none are identified, describe the process for selecting participant firms in order to achieve the good faith goals under this Agreement.

- Level of Participation: Indicate the percentage of MBE/WBE/SDVOB participation expected to be achieved with the arrangement described in the Plan.

- Scope of Work: Describe the specific scope of work the MBE/WBE/SDVOBs will perform.

All MBE/WBE/SDVOB subconsultants listed on the MBE/WBE/SDVOB Participation Plan must be certified by the Authority in order for the Consultant to receive credit toward the MBE/WBE/SDVOB goals set forth in this Agreement. Please go to https://www.panynj.gov/port-authority/en/business-opportunities/supplier-diversity.html to search for MBE/WBE/SDVOBs by a particular commodity or service. The Authority makes no representation as to the financial responsibility of these firms or their ability to perform work under this Agreement.

Subsequent to Agreement award, all changes to any of the MBE/WBE/SDVOB Participation Plans must be submitted via a Modified MBE/WBE/SDVOB Participation Plan to the Manager for review and approval by ODEI. For submittal of modifications to the MBE/WBE Plan, Consultants are directed to use form PA3760D, and for modifications to the SVOB Plan Consultants are directed to use form PA3760SDV2. The Consultant shall not make changes to any of its approved MBE/WBE/SDVOB Participation Plans or substitute MBE/WBE/SDVOB subconsultants or suppliers for those named in their approved plans without the Manager's prior written approval. Unauthorized changes or substitutions, including performing the work designated for a subconsultant with the Consultant's own forces, shall be a violation of this section. Progress toward attainment of

MBE/WBE/SDVOB participation goals set forth herein will be monitored throughout the duration of the Agreement.

The Consultant shall also submit to the Project Manager, along with invoices, the Statement of Subcontractor Payments in the form of the MBE/WBE/SDVOB Participation Report, which may be downloaded at https://www.panynj.gov/port-authority/en/business-opportunities/Vendor-Resources.htmlThe Statement must include the name and business address of each MBE/WBE/SDVOB subconsultant and supplier actually involved in the Agreement, a description of the work performed and/or product or service supplied by each such subcontractor/subconsultant or supplier, the date and amount of each expenditure, and such other information that may assist the Project Manager in determining the Consultant's compliance with the foregoing provisions.

Prompt Payment/Retainage

The Consultant shall pay each subconsultant under this Agreement, for satisfactory performance of its subcontract, no later than ten (10) days from the receipt of each payment the Consultant receives from the Authority. The Consultant shall return retainage payments, if any, to each subconsultant within ten days after the subconsultants' work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the Authority. Failure to pay subconsultants or return retainage payments may constitute a material breach of this Agreement, entitling the Authority to remedies provided in this Agreement, in addition to any other available remedy.

MBE/WBE/SDVOB Conditions of Participation

MBE/WBE/SDVOB participation will be counted toward meeting the MBE/WBE/SDVOB agreement goal, subject to all of the following conditions:

1. Commercially Useful Function: An MBE/WBE/SDVOB is considered to perform a commercially useful function when it is responsible for the execution of a distinct element of work on a contract and carries out its responsibilities by actually performing, managing, and supervising the work involved in accordance with normal industry practice. Regardless of whether an arrangement between the Consultant and the MBE/WBE/SDVOB represent standard industry practice, if the arrangement erodes the ownership, control or independence of the MBE/WBE/SDVOB or in any other way does not meet the commercially useful function requirement, that firm shall not be included in determining whether the MBE/WBE/SDVOB goal is met and shall not be included in MBE/WBE/SDVOB reports. If this occurs with respect to a firm identified as an MBE/WBE/SDVOB, the Consultant shall receive no credit toward the MBE/WBE/SDVOB goal and may be required to backfill the participation. An MBE/WBE/SDVOB does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction or contract through which funds are passed in order to obtain the appearance of MBE/WBE/SDVOB participation. An MBE/WBE/SDVOB may rebut a determination by the Authority that the MBE/WBE/SDVOB is not performing a commercially useful function to the Authority.

2. Work Force: The MBE/WBE/SDVOB must employ a work force (including administrative and clerical staff) separate and apart from that employed by the Consultant, other subcontractors/subconsultants on the Agreement, or their affiliates. This does not

preclude the employment by the MBE/WBE/SDVOB of an individual that has been previously employed by another firm involved in the Agreement, provided that the individual was independently recruited by the MBE/WBE/SDVOB in accordance with customary industry practice. The routine transfer of work crews from another employer to the MBE/WBE/SDVOB shall not be allowed.

3. Supervision: All work performed by the MBE/WBE/SDVOB must be controlled and supervised by the MBE/WBE/SDVOB without duplication of supervisory personnel from the Consultant, other subconsultants on the Agreement, or their affiliates. This does not preclude routine communication between the supervisory personnel of the MBE/WBE/SDVOB and other supervisors necessary to coordinate the work.

Counting MBE/WBE/SDVOB Participation

The value of the work performed by an MBE/WBE/SDVOB, with its own equipment, with its own forces, and under its own supervision will be counted toward the goal, provided the utilization is a commercially useful function. An MBE/WBE/SDVOB prime contractor/consultant shall still provide opportunities for participation by other MBE/WBE/SDVOBs. Work performed by MBE/WBE/SDVOBs will be counted as set forth below. If the Authority determines that some or all of the MBE/WBE/SDVOBs work does not constitute a commercially useful function, only the portion of the work considered to be a commercially useful function will be credited toward the goal.

1. Subconsultants: One hundred percent (100%) of the value of the work to be performed by an MBE/WBE/SDVOB subconsultant will be counted toward the MBE/WBE/SDVOB goal. The value of such work includes the cost of materials and supplies purchased by the MBE/WBE/SDVOB, except the cost of supplies or equipment leased from the Consultant, other subconsultants or their affiliates will not be counted. When an MBE/WBE/SDVOB subcontracts part of the work of its contract to another firm, the value of the subconsultant work may be counted toward MBE/WBE/SDVOB goals only if the MBE/WBE/SDVOB subconsultant is itself an MBE/WBE/SDVOB. Work that an MBE/WBE/SDVOB sub consults to a non-MBE/WBE/SDVOB firm does not count toward MBE/WBE/SDVOB goals.

2. Material Suppliers: Sixty percent (60%) of the expenditure to an MBE/WBE/SDVOB material supplier will be counted toward the MBE/WBE/SDVOB goal. Packagers, brokers, manufacturer's representatives, or other persons who arrange or expedite transactions are not material suppliers within the meaning of this paragraph.

3. Broker's/Manufacturer's Representatives: One hundred percent (100%) of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees for transportation charges for the delivery of materials or supplies provided by an MBE/WBE/SDVOB broker/manufacturer's representative will be counted toward the MBE/WBE/SDVOB goal, provided they are determined by the Authority to be reasonable and not excessive as compared with fees customarily allowed for similar services. The cost of the materials and supplies themselves will not be counted.

4. Services: One hundred percent (100%) of fees or commissions charged by an MBE/WBE/SDVOB for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of the work will be counted toward the MBE/WBE/SDVOB

goal, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services.

5. Joint Venture: Joint ventures between MBE/WBE/SDVOBs and non-MBE/WBE/SDVOBs may be counted toward the MBE/WBE/SDVOB goal in proportion to the total dollar value of the Agreement equal to the distinct, clearly defined portion of the work of the Agreement that the MBE/WBE/SDVOB performs with its own forces. Contact ODEI at (201) 395-3117 for more information about requirements for such joint ventures.

J. A complete list of your firm's affiliates.

K. If the Proposer or any employee, agent or subcontractor/subconsultant of the Proposer may have, or may give the appearance of a possible conflict of interest, the Proposer shall include in its Proposal a statement indicating the nature of the conflict and a proposed mitigation plan. The Authority reserves the right to disqualify the Proposer if, in its sole discretion, any interest disclosed from any source could create, or give the appearance of, a conflict of interest. The Authority reserves the right to disqualify the Proposer if, in its sole discretion, it is not possible to mitigate the conflict of interest, with respect to any conflict disclosed from any source. The Authority's determination regarding any question(s) of conflict of interest shall be final.

Proposers are advised that, while not currently anticipated, nothing herein shall preclude the Authority from determining at a subsequent point in time during performance of the services contemplated hereunder gives rise to the existence of, or the appearance of, a conflict of interest, and thereby conclude that a firm(s) selected for performance of the subject services, is/are expressly precluded from participation in, or the performance of other procurement opportunities for any project on which the firm has provided such services. Proposers are directed to Paragraph 32 of the attached Standard Agreement. Proposers are further advised that under this Agreement, firms must provide, upon receipt of a Task Order issued by the Authority, written notice to the Authority of any existing or potential conflict of interest the firm(s) may have in the performance of Services under this Agreement. The Authority's determination regarding any question(s) of conflict of interest shall be final.

L. The selected Consultant(s) shall comply with the requirements of the Agreement. You should therefore not make any changes in this Agreement, nor restate any of its provisions in your Proposal or supporting material.

V. SELECTION PROCESS:

The qualifications-based selection shall take into consideration the following technical criteria, (listed in order of importance) and subsequently cost, as appropriate:

A. Qualifications and experience of the staff proposed to perform services hereunder;

B. Qualifications and experience of the firm, including the quality of similar services provided to others including the demonstrated ability to complete the services in accordance with the project schedule;

C. Management approach for the performance of the contemplated services.

After consideration of these factors, the Authority may enter into negotiations with the firms deemed best qualified in terms of the foregoing factors to perform the required services.

VI. ADDITIONAL INFORMATION:

The Port Authority embraces a workplace where the values of diversity, equity and inclusion support varying perspectives and backgrounds to produce a richer environment.

The Port Authority expects all our consultants, contractors and vendors, to demonstrate a similar commitment, and undertake every effort to ensure their project teams represent the diverse makeup of the communities in and around the Port District.

If your firm is selected for performance of the subject services, the Agreement you will be asked to sign will include clauses entitled "Certification of No Investigation (Criminal Or Civil Anti-Trust), Indictment, Conviction, Debarment, Suspension, Disqualification and Disclosure Of Other Information" And "Non-Collusive Proposing, And Code Of Ethics Certification; Certification Of No Solicitation Based On Commission, Percentage, Brokerage, Contingent Or Other Fees." By submitting a Proposal, the Consultant shall be deemed to have made the certifications contained therein unless said Consultant submits a statement with its Proposal explaining why any such certification(s) cannot be made. Such a submission shall be submitted in a separate envelope along with your Proposal clearly marked "CERTIFICATION STATEMENT."

It is Authority policy that its consultants, contractors and vendors comply with the legal requirements of the States of New York and New Jersey. Your attention is therefore called to New York State's requirements that certain consultants, contractors, affiliates, subcontractors/subconsultants and subcontractors'/subconsultants' affiliates register with the New York State Department of Taxation and Finance for the purpose of collection and remittance of sales and use taxes. Similarly, New Jersey requires business organizations to obtain appropriate Business Registration Certificates from the Division of Revenue of the State's Department of the Treasury.

Proposers are also advised that additional vendor information, including but not limited to forms, documents and other related information, may be found on the Authority website at www.panynj.gov or https://www.panynj.gov/port-authority/en/business-opportunities/Vendor-Resources.html.

Each party agrees that an electronic signature to this Agreement whether affixed digitally or transmitted by fax, email or other electronic means, is intended to authenticate such party's writing and to have the same binding and legal effect as an original signature. Signature shall be by a corporate officer authorized to bind the Proposer to the terms of the Agreement. The return of the copy executed by the Authority will effectuate the Agreement.

As a result of impacts related to COVID-19, the Authority may request that Consultant(s) respond to task orders solicited through this Call-In Program that may be funded in whole or in part by federal entities such as the Federal Emergency Management Agency ("FEMA"), Federal Transit Administration ("FTA") and others. These specific task order requests shall be solicited, negotiated and issued in accordance with all applicable federal guidelines.

VII. TASK ORDER SOLICITATION PROCESS

Proposals for each Task Order will be solicited from all firms that have Agreements under the this "Call-In" program. Unless otherwise noted, the task order solicitation process is as follows:

A. The Authority will issue task order requests specific to the services listed in Attachment A under this "Call-In" program. All firms who hold an executed Agreement will be given a chance to submit a proposal.

B. Each task order proposal will be technically evaluated, and cost will be taken under consideration, as appropriate, for each task order request. An award for the task order will be made to the highest rated firm whose proposal offered the best value to the Port Authority.

The solicitation process set forth in this Section VII (Task Order Solicitation Process) do not represent a contractual or other obligation on the part of the Authority, and do not preclude the Authority from distributing work in a manner, which in its judgment will, under all circumstances, best serve the public interest.

Should you have any questions, please contact Thomas Lal Solicitation Manager, at TLAL@panynj.gov. All such correspondence must have your name, title, company, mailing address, telephone number, and state the subject RFP number in the subject line. The Authority must receive all questions no later than 4:00 P.M. ET, seven (7) working days before the RFP due date. Neither Mr. Lal, nor any other employee of the Authority is authorized to interpret the provisions of this RFP or accompanying documents or give additional information as to their requirements. If interpretation or additional information is required, it will be communicated by written addendum issued by the undersigned and such writing shall form a part of this RFP, or the accompanying documents, as appropriate. For RFP updates and Addenda, if any, Proposers are encouraged to access, and monitor, the Bonfire platform at https://panynj.bonfirehub.com/portal/?tab=login. You should, therefore, monitor the advertisement on said website, as appropriate, to ensure you are aware of changes, if any.

Proposal preparation costs are not reimbursable by the Authority, and the Authority shall have no obligation to a firm except under a duly authorized agreement executed by the Authority.

No rights accrue to any Proposer except under a duly authorized agreement for performance of the specified services.

The Authority reserves the unqualified right, in its sole and absolute discretion, to reject all Proposals, to undertake discussions and modifications with one or more Consultants, to waive defects in Proposals and to proceed with that Proposal or modified Proposal, if any, which in its judgment will, under all the circumstances, best serve the public interest.