

## **QUESTIONS AND ANSWERS:**

### **Request for Qualifications and Proposals (RFQ/P)**

#### **Property and Facilities Management Services, for the New Jersey Economic Development Authority RFQ/P # 2017-RED-RFQ/P-059**

**DATED: August 15, 2017**

**PLEASE NOTE THAT THE ANSWER TO QUESTION #21 HAS BEEN UPDATED**

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1. Q. How many janitors are required at each location?  
  
A. It is up to the proposer to determine the amount and hours the janitors are required at each location. Current staffing is as follows:  
  
36 West State Street has 5 janitors for 3 hours 5 days a week  
  
Technology Centre has 2 janitors both for 2.5 hours on Sunday; one is there for 4.5 hours Monday through Friday; the other is there for 5.5 hours Monday through Friday.
2. Q. The RFP indicates that “no sales tax will be charged funded due to NJEDA tax exempt status”. Since Vendor and subcontractor contracts and invoices will be charged to the awardee and then passed thru to the NJEDA, vendors and subcontractors will need to charge sales tax. Only the awardee invoice to NJEDA is tax exempt. Will the NJEDA provide the awardee a NJ State Tax exempt certificate for provision to vendors and subcontractors?  
  
A. NJEDA will provide a State Tax Exempt Certificate to the Successful Firm. That Certificate inures to the awardee and their subcontractors.
3. Q. The Fee Proposal Sheets in Exhibit A does not contain a line for the proposed costs for the back-office staff. Where should we include the cost for the back-office staff on the Fee Proposal Sheets?  
  
A. All back-office services, including those of an accountant, should be incorporated into the Property and Facilities Management Fully Loaded Monthly Fee.



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4. Q. The RFP indicates that the proposals will be publicly opened. Will the prices be publicly read?

A. All proposals received, including the fee portion, will be available for review at the public opening.
5. Q. The RFP indicates that the contractor will have sole and absolute responsibility for the management and supervision of all subcontractors/subconsultants/vendors. However, the contractor does not have the right to make the decision about which subcontractor to hire. So, for example, if the contract gets 3 quotes, and one quote is far less than the other two, can the EDA insist on using the lowest bidder, when the contractor is skeptical that the firm will provide the quality of services desired? And will the contractor be held accountable if the subcontractor does not perform satisfactorily?

A. The Property Manager should never be skeptical that the subcontractor will provide the quality of services desired because the Property Manager is solely responsible for the identification and selection of the subcontractors which will receive Requests for Proposals issued by the Property Manager. It is required that only qualified subcontractors, as determined by the Successful Firm, be included in this pool. Therefore, Property Manager will be held accountable for the performance of its subcontractors. Depending on the type of services or goods to be procured, the selection method may include price and other factors or may be based on lowest responsible bidder.
6. Q. If a Site Superintendent is called back to a site for an emergency, or an additional Site Superintendent is called in to perform additional services after normal business hours, will the contractor be paid one and one-half times the hourly rate listed on the price sheet (as required by the Collective Bargaining Agreement)?

A. Yes, if required by the Collective Bargaining Agreement or New Jersey State Building Contract Services Act.
7. Q. If a Site Superintendent is called back to a site for an emergency, the Collective Bargaining Agreement requires a minimum of four hours of pay at time and one half. Will the EDA reimburse the contractor for the minimum of four hours at time and a half, even if fewer hours are worked?

A. Yes, if required for Superintendents governed by the Collective Bargaining Agreement or NJSBCSA.



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8. Q. Are the hours that cleaning services can be performed restricted to certain times of day? If so, please provide the hours for each site.
- A. Services at Tech Centre must not begin prior to 5:00 p.m.;  
Services at 36 West State Street are restricted to between 4:30 p.m. and 8:00 p.m.
9. Q. Regarding holidays, at the Technology Centre, the Site Superintendent must be on site for all days except the 8 holidays listed in the exhibit. However, prevailing wage law requires that individuals be paid for 11 unworked holidays, and be paid time and a half for any holidays worked. Will the EDA reimburse the contractor for the overtime pay for the holidays that the Site Superintendent must work at the Technology Center, but for which he/she must be paid holiday pay plus time and a half for hours worked?
- A. NJEDA acknowledges Site Superintendents are entitled to additional compensation for Holidays worked as outlined in the Collective Bargaining Agreement or the NJSBCSA whichever is greater. The cost for this should be included as part of the fully loaded monthly rate in the fee proposals for each site.
10. Q. Would the EDA please provide the number of years of service for each current Site Superintendent, since prevailing wage law requires vacation pay based on number of years of service with “a contractor or successor”?
- A. Trenton Site Superintendent start date: December 2001  
Tech Centre Site Superintendent start date: July 2009
11. Q. The RFP states that the contractor is required to have “licensed boiler operator personnel”. Will the Facility Manager or any of the Site Superintendents be required to have a boiler operator license? If so, for what sites, and what level of boiler operator license?
- A. At this time, the Technology Centre of New Jersey requires the Site Superintendent to have a Low Pressure Black Seal boiler operator license. Trenton does not require boiler operator licensed personnel. Proof of boiler operator license is not required at the time of proposal but must be submitted prior to contract award.
12. Q. In various sections of the RFP, it states that the “NJEDA will compensate the successful Firm for all additional supplies, materials, tools and equipment necessary to accomplish the functions”. Will the EDA reimburse the contractor for the cost of cleaning supplies and equipment, such as paper products, cleaning chemicals, and buffing machines?
- A. As stated in the RFQ/P, costs for janitorial supplies and equipment will not be reimbursed and are to be included in the fully loaded monthly rate.



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13. Q. Will the EDA please confirm that the cost of: window cleaning, pest control, landscaping, snow removal, elevator, HVAC servicing, and trash removal will all be paid by the EDA?
- A. The successful firm must procure these services in accordance with Exhibit G.
14. Q. The form of the contract, contains a penalty for overbilling. It provides that the Contractor shall pay a penalty of 200% of the amount of the overbilling. In some cases, billing mistakes can be made (such as the duplicate submission of an invoice). Is the penalty applicable even if the mistake was inadvertent?
- A. The penalty is applicable for overbilling, even for inadvertent duplication. The successful firm is responsible for instituting a system of internal controls in an effort to prevent duplicate invoicing.
15. Q. The RFQ/P mentions that the contractor will be paid Landscape/Ground Maintenance Fees for the Technology Centre of New Jersey and the NJEDA Tech Centre Expansion, North Brunswick, NJ, based on fixed monthly rates. There is not a line item for this on the Fee Proposal Sheets. Are the bidders required to submit this pricing with the proposal? If so where do we include this pricing on the Fee Proposal Sheets?
- A. The Successful Firm will be required to Solicit Proposals for these services according to Exhibit G. Therefore, a fee is not required at the time of submission of the proposals.
16. Q. Are subcontractors required to submit a compliance documentation forms in the proposal in addition to the Contractor?
- A. Subcontractors don't have to be identified at the time of the proposal, therefore no compliance documents are required from subcontractors at this time.
17. Q. Which building(s) is required to have a licensed boiler operator?
- A. The site superintendent at the Technology Centre is required.
18. Q. What if my Proposal gets there 1 minute late from due date and due time?
- A. Proposals will not be accepted if they are received after the posted due date and time.
19. Q. Is there parking available for respondents when attending an RFQ/P opening?
- A. No parking is available in the NJEDA parking lot. Prospective bidders will have to park on the street (metered in many places) and there are public pay parking lots located in the vicinity.
20. Q. Please advise if the insurance requirements as indicated on the RFQ/P can be changed.
- A. NJEDA will not change insurance requirements. Please confer with your insurance carrier prior to submitting your Proposal to confirm that your firm can provide the insurance requirements/coverages as indicated in the RFQ/P.



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21. Q. I would like to request an appointment before August 11 to visit your office to review previous year custodial bid of ISS. We are seeking to review the fee proposal provided for the current contract as to janitorial services.

A. Please see table below which reflects the amounts contained on the 2012 Fee Proposal for the current provider:

FEE TYPE	36 WEST STATE	TECH CENTRE
PROPERTY & FACILITIES MANAGEMENT PER MONTH	\$2,831.00	\$8,494.00
SITE SUPERINTENDENT PER MONTH	\$5,007.00	\$5,154.00
FACILITY MANAGER PER MONTH	\$1,647.00	\$4,941.00
JANITORIAL SERVICES PER MONTH	\$8,652.00	\$6,786.00
SITE SUPERINTENDENT FULLY LOADED HOURLY RATE	\$31.20	\$32.12
JANITOR FULLY LOADED HOURLY RATE	\$27.88	\$26.85

The fees above are subject to escalation at an annual rate of 0.67%.

22. Q. A previous question (#13) was asked as follows: “Will the EDA please confirm that the cost of: window cleaning, pest control, landscaping, snow removal, elevator, HVAC servicing, and trash removal will all be paid by the EDA?”. The response was “The successful firm must procure these services in accordance with Exhibit G”, but does not clearly answer the question. Would the EDA please confirm that the Contractor will procure the services, but will be reimbursed by the EDA?



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- A. Exhibit G indicates that the successful firm will be required to procure services, equipment and supplies through subcontractors/sub-consultants/vendors. Exhibit G also sets forth that the successful firm will be responsible for payments due to all subcontractors, sub-consultants and/or vendors, the cost to be compensated by NJEDA without additional mark up, additional charges added by the successful firm or sales tax.
23. Q. Does the contractor assume all liability related to the performance of the subcontractors? For example, if there is a slip and fall lawsuit on an icy sidewalk, the contractor will certainly be named in the lawsuit since the snow removal subcontractor will be between the contractor and the subcontractor. The Indemnification paragraph of the sample contract (Exhibit I, Paragraph 7) puts all of the liability on the contractor, and removes the EDA from any liability. Given that the contractor does not have the ability to choose the subcontractor, will the EDA assume liability for work performed by the subcontractor?
- A. The successful firm will be responsible for work performed by the subcontractor. The successful firm should never be skeptical that the subcontractor will provide the quality of services desired because the successful firm is solely responsible for the identification and selection of the subcontractors which will receive Requests for Proposals issued by the successful firm. It is required that only qualified subcontractors, as determined by the successful firm, be included in this pool. Therefore, successful firm will be held accountable for the performance of its subcontractors. Depending on the type of services or goods to be procured, the selection method may include price and other factors or may be based on lowest responsible bidder.
24. Q. According to Paragraph 3 of the form of contract in Exhibit I, the Contractor is not entitled to any mark-up on subcontracted work or supplies procured. Given that the Contractor will incur liability risk, payment obligation, and administrative and overhead costs related to the procurement of subcontracted services and materials, would the EDA reconsider allowing the Contractor to mark up such services and materials (as is customary in facilities management contracts)?
- A. Mark ups are not permitted under this RFQ/P.
25. Q. The sample contract (Exhibit I) appears to be missing a standard clause defining the payment terms. The successful firm should not be asked to sign a contract which allows the EDA to take an indefinite amount of time to pay the contractor. Would the EDA please add a provision requiring that payment of contractor fees be made within a specified number of days of invoice receipt, say, 30 days?
- A. Section P #2 of the RFQ/P states that invoices are to be submitted monthly and will generally be paid within 30 days of a complete and acceptable invoice package. The RFQ/P will become part of the contract document once executed, including this provision.
26. Q. The Collective Bargaining Agreement (CBA) lists rates for the Site Superintendents at Tech Centre and 36 W. Cleaning tasks are listed in the CBA as part of Local 68 responsibilities. Are janitorial staff also included in the Local 68 agreement and if so, what are their rates?



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A. Yes, they are all in Local 68 - \$15.70 + \$4.27 is the rate.

27. Q. What is the square footage of all common areas to be cleaned and quantity of bathrooms at the Tech Centre?

A. Common Areas –  
Tech 4 – 1<sup>st</sup> floor lobby and loading dock - 1,620 SF – 2 bathrooms.  
Tech 3/BDC II – lobby area, loading dock and mechanical - 1,424 SF - 2 bathrooms.  
CCIT – lobby area, hallways, loading docks and mechanicals, 19,010 SF – 4 bathrooms.