

STATE OF NEW JERSEY  
DEPARTMENT OF TREASURY  
DIVISION OF PROPERTY MANAGEMENT AND CONSTRUCTION  
PO BOX 034, TRENTON, NJ 08625-0034

PROJECT #:

A/E:

DATE:

### BULLETIN "B" - SBE

Bidder must acknowledge receipt of this Bulletin on bid form in the space provided therefore.

This Bulletin is issued for the purpose of amending certain requirements of the original Contract Documents, as noted hereinafter, and is hereby made part of and incorporated in full force as part of the Contract Documents. Unless specifically noted or specified hereinafter, all work shall comply with the applicable provisions of the Contract Documents.

#### 1. SMALL BUSINESS ENTERPRISE GOALS

The Prime Contractor shall take all necessary and reasonable steps to ensure that Small Business Enterprises (SBE's), as defined in N.J.A.C. 17:13-1.2 have the maximum opportunity to compete for and perform contracts.

##### A. GOALS FOR THIS CONTRACT

1. Except as provided in this Bulletin, this contract includes a goal of awarding twenty-five (25) percent of the total contract value to either Prime or Subcontractors that qualify as small businesses as defined in N.J.A.C. 17:13-2.1 and small businesses with revenues that do not exceed the annual revenue standards established by the Federal standard at 13 C.F.R. 121.201.
2. Only SBE's properly certified in accordance with A. 1 above by the date of bid with the Division of Revenue and Enterprise Services will be considered in determining whether the Contractor has met the Contract set-aside goals.
3. A database of certified SBE firms is available for review from the Division of Revenue and Enterprise Services (Telephone: 609-292-2146. Website: [www.state.nj.us/njbusiness/contracting](http://www.state.nj.us/njbusiness/contracting)). This database is to be used as a source of information only, and does not relieve the Prime Contractor of the responsibility of seeking out other SBE's.

## B. SUBMISSION OF CONTRACTOR'S SBE PLAN

The Prime Contractor who is named the apparent successful bidder shall submit to the Division of Property Management and Construction (DPMC) for approval, no later than ten (10) State business days after notification from the DPMC, the following:

1. SBE Form A, Schedule of SBE Participation - The Prime Contractor shall list all SBE's that will participate in the contract including type of work, actual dollar amount, percent of total contract to be performed.
2. SBE Form B, Affidavit of SBE Status - A statement under oath by the SBE that the firm is properly certified as an SBE.
3. Request for Exemption – In the event the Prime Contractor is unable to meet the specified goals, Prime Contractor must submit a written request for an exemption from the goals as defined herein.
4. The name of the Prime Contractor's SBE liaison officer who shall be the person within the Prime Contractor's organization primarily responsible for implementing the Prime Contractor's SBE program.
5. DPMC in its sole discretion may request additional information from the Prime Contractor prior to award of the contract in order to evaluate the Prime Contractor's compliance with the SBE requirements of the bid proposal. Such information must be provided within the time limits established by DPMC.

## C. GOOD FAITH EFFORTS OF BIDDERS, REQUIREMENTS

The Prime Contractor that fails to meet the goals for small business shall document the reasonable outreach efforts it has made to meet the goals. In accordance with N.J.A.C. 17:13-4.3:

(a), the following actions shall be taken by a bidder in establishing a good faith effort to solicit and award subcontracts to eligible small businesses:

1. The bidder shall attempt to locate qualified potential small business subcontractors;
2. The bidder shall request a listing of small businesses from the Division if none are known to the bidder;
3. The bidder shall keep a record of its efforts, including the names of businesses contacted and the means and results of such contacts;
4. The bidder shall attempt to contact all potential subcontractors on the same day and use similar methods to contact them;
5. The bidder shall provide all potential subcontractors with detailed information regarding the specifications; and
6. The bidder shall attempt, wherever possible, to negotiate prices with potential subcontractors which submitted higher than acceptable price quotes.

(b) Bidders shall maintain adequate records to document their good faith efforts to solicit and award subcontracts to eligible small businesses.

D. RESPONSIBILITY AFTER CONTRACT AWARD

1. The Prime Contractor shall advise DPMC of any change regarding the work to be performed by an SBE whose name was submitted on the SBE Form A for the purpose of meeting the Contract goals.
2. If an SBE that was to be used by the Prime Contractor to meet one of the goals does not perform the work, the Prime Contractor shall attempt to replace the SBE with a similarly situated SBE. If the Prime Contractor fails to replace the SBE with a similarly situated SBE, it shall document to DPMC the reasons for such failure and DPMC may review the Prime Contractor's subcontracting practices to determine if it is engaging in unlawful discrimination.

E. DOCUMENTATION

1. DPMC may, at any time, require such information as it deems necessary to ascertain the compliance of any Prime Contractor with the terms of these provisions.
2. The Prime Contractor shall keep such records as are necessary to determine compliance with its SBE obligations. The records kept by the Contractor must contain information that demonstrates:
  - a) The names of the SBE's contacted for work on the Contract;
  - b) The type of work to be done or services to be performed by all SBE contractors on the Contract;
  - c) The actual dollar amount of work awarded to SBE's;
  - d) The progress and efforts being made in seeking out and utilizing SBE's. This would include solicitations, quotes, and bids regarding work items, supplies, and leases.
  - e) Documentation of all correspondence, contacts, and telephone calls, used to obtain the services of SBE's on the Contract.
3. As required by DPMC, the Prime Contractor shall submit records and documentation pertaining to contracts and business transactions with SBE's on this Contract.
4. All such records shall be maintained for a period of three years following final payment and shall be available for inspection by the DPMC.

F. SANCTIONS

Failure of the Prime Contractor to carry out the requirements set forth in this attachment shall constitute a breach of contract for which DPMC may terminate the contract or pursue such other remedy as DPMC deems appropriate. The Prime Contractor shall physically include the provisions set forth in this attachment in all contracts.

END OF BULLETIN "B"

**SBE FORM A - SCHEDULE OF SMALL BUSINESS ENTERPRISE PARTICIPATION**

PROJECT #: \_\_\_\_\_

BID AMOUNT: \_\_\_\_\_

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

NAME OF SMALL BUSINESS ENTERPRISE	ADDRESS/ PHONE #	TYPE OF WORK AND CONTRACT ITEMS OR PARTS THEREOF TO BE PERFORMED	ACTUAL DOLLAR AMOUNT OF SBE CONTRACT WORK	PERCENT OF TOTAL BID AMOUNT

\_\_\_\_\_ SBE LIAISON OFFICER \_  
 BIDDER (Print Name)

TELEPHONE NUMBER

**Attach copies of (SBE) Certification from Division of Revenue and Enterprise Services**

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## FORM B - CERTIFICATION OF SBE STATUS

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PROJECT #: \_\_\_\_\_

I, \_\_\_\_\_ OF THE CITY OF

AND THE STATE OF \_\_\_\_\_, CERTIFY THAT:

I AM \_\_\_\_\_ OF THE FIRM OF \_\_\_\_\_, HAVING AN ADDRESS OF \_\_\_\_\_, WHICH FIRM IS CERTIFIED AS A SBE BY THE NEW JERSEY COMMERCE AND ECONOMIC GROWTH COMMISSION.

I FURTHER WARRANT THAT I AM AUTHORIZED BY THE SAID FIRM TO MAKE THIS CERTIFICATION AND WILL PROVIDE INFORMATION REQUESTED BY THE DIVISION OF PROPERTY MANAGEMENT & CONSTRUCTION TO DOCUMENT THE FACT THAT THE SAID FIRM IS AN SBE.

\_\_\_\_\_  
(SIGNATURE)