NOTICE OF ADDENDUM FOR BID — ADDENDUM NO. 2

The Educational Services Commission of New Jersey, Piscataway, New Jersey, hereby advertises Addendum No. 2 for the following bids:

- **Bid #ESCNJ 26/27-12-GC-R1** — Job Order Contracting – General Construction – Region 1
- **Bid #ESCNJ 26/27-13-GC-R2** — Job Order Contracting – General Construction – Region 2
- **Bid #ESCNJ 26/27-14-GC-R3** — Job Order Contracting – General Construction – Region 3
- **Bid #ESCNJ 26/27-15-GC-R5** — Job Order Contracting – General Construction – Region 5

Bid Opening: Tuesday, August 18, 2026 @ 11:00 a.m.

NOTICE TO BIDDERS: This Addendum No. 2 provides formal legal clarifications and supersedes in its entirety the previous RFI responses published in Addendum No. 1. All prospective bidders shall rely exclusively on the 12 clarified responses set forth in this Addendum No. 2 for the preparation of their bid submissions.

A. Bid Proposal Form C: Review Standard and Safeguards Against Arbitrary Acceptance

1. *Please identify who will review Form C submissions (ESCNJ staff, Gordian Group, or a third party), and describe that reviewer's relevant qualifications – e.g., construction cost estimating, cost engineering, or labor cost/productivity analysis experience.*

Response: All bid analysis will be done under the auspices of the ESCNJ Purchasing Agent as provided by N.J.S.A. 18A:18A-3, who will recommend the select Bidders for ESCNJ Board Approval. (Page 10)

2. *What objective documentation, if any, is required to support a Form C submission – for example, itemized labor burden rate schedules, overhead allocation schedules, insurance and workers' compensation rate documentation, or subcontractor quotes? Or may a bidder satisfy Form C with a narrative assertion alone, without supporting numerical documentation?*

Response: Any of the described formats in this question, or as may be added by formal addendum pursuant to N.J.S.A. 18A:18A-21, are acceptable. Bidders who submit an Award Criteria Figure of less than 1.0000 must prepare and submit a detailed explanation of the analysis used to calculate the Adjustment Factors. If Bid Form C applies, Bidders must prepare and submit with the bid a detailed explanation demonstrating that all costs have been taken into account and that the Bidder can perform the work at the competitively bid Adjustment Factors. The explanation inserted by the Bidder can be in any format the Bidder determines best explains the detailed analysis used to determine the Adjustment Factors, and will be used in an assessment of both responsiveness and bidder responsibility. (Page 69)

3. *A bidder's claimed labor-hour productivity for a given task is inherently unverifiable at the time of bid: a bidder can assert that it requires materially fewer labor hours than the productivity assumptions embedded in the Construction Task Catalog®, with no means of independent verification prior to award. What specific standard will ESCNJ apply to distinguish a legitimate, substantiated cost or productivity advantage from an unsubstantiated assertion offered merely to lower the Award Criteria Figure?*

Response: The baseline will be demonstrated ability to comply with the applicable prevailing wage requirements. The ESCNJ will perform an initial bid review and recommend select Bidders for ESCNJ Board Approval. (Page 10) The contract shall be awarded, if at all, to the lowest responsible bidder in compliance with N.J.S.A. 18A:18A-2(t). The Board of Directors reserves the right to reject any non-responsive bids or all bids, pursuant to N.J.S.A. 18A:18A-22, and to waive minor informalities or non-material exceptions. (Page 27)

4. *Will ESCNJ reject a Form C submission that asserts lower labor cost recovery without providing objective, verifiable substantiation (e.g., historical certified payroll data, documented burden rates, or an independent cost estimate)?*

Response: ESCNJ will not comment on hypothetical situations or assumed outcomes. Whether or not a bidder asserts lower labor cost recovery is unknown prior to bid.

5. *Please describe what would render a Form C submission nonresponsive, as distinct from what would render it acceptable.*

Response: For any Bidder who submits an Award Criteria Figure of less than 1.0000, failure to provide a detailed summary per the instructions provided for Bid Form C may result in the bid being declared non-responsive and/or the bidder being determined to be not responsible. (Page 69)

6. *Will completed Form C review determinations – including the basis for accepting or rejecting each submission – be documented in the procurement record? Will that documentation be made available to other bidders following award, consistent with the "lowest responsible bidder" standard and the Open Public Records Act?*

Response: The ESCNJ has public bids, so all pricing will be made public and posted on our website so our Cooperative members can review the prices. The ESCNJ and its member entities are subject to the New Jersey Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq. (Page 28)

7. *Given that the Form C standard as written provides no objective criteria against which a determination could be measured, is there any mechanism by which a bidder may challenge the sufficiency of a competitor's Form C submission, or ESCNJ's acceptance of it, prior to contract award?*

Response: While not concurring with the statement in this question that the Form C standard provides no objective criteria, the answer to the ability to challenge is Yes. Bidders may contact the School Business Administrator in writing when they feel it necessary to challenge a procurement specification item or to protest an award of contract. (Page 23)

B. Time-and-Material Pricing of Non-Pre-Priced Tasks and S3041 Applicability

8. *The Supplemental Conditions price Non-Pre-priced Task work using actual Hourly Labor Rate, Direct Material Costs, Direct Equipment Costs, and actual Subcontractor Costs (Items A–H of the stated formula), rather than the pre-set Unit Prices in the Construction Task Catalog®. Please confirm whether ESCNJ considers this Non-Pre-priced Task pricing methodology to constitute work performed on a time-and-material basis for purposes of the enhanced compliance, oversight, and enforcement obligations imposed on cooperative contracting units under P.L. 2025, c.180 (S3041). If ESCNJ's position is that S3041 does not apply to this methodology, please state the basis for that position.*

Response: The addressing of open market task items is an inherent component of IDIQ contracts. IDIQ contracts are permitted by applicable NJ law.

9. *If S3041 does apply to Non-Pre-priced Task work, please describe the specific compliance, oversight, and enforcement measures ESCNJ intends to implement with respect to that portion of the Contract.*

Response: The addressing of open market task items is an inherent component of IDIQ contracts. IDIQ contracts are permitted by applicable NJ law.

C. Responsibility Determination

10. *Please describe, in specific and substantive terms, the process by which ESCNJ determines bidder "responsibility" under N.J.S.A. 18A:18A-2(t) with respect to a bidder that submits an Award Criteria Figure below 1.0000. Does the responsibility determination include any independent verification of the cost and productivity assumptions submitted in that bidder's Form C, or is Form C accepted at face value once submitted?*

Response: The ESCNJ will perform an initial bid review and recommend select Bidders for ESCNJ Board Approval. (Page 10) The contract shall be awarded, if at all, to the lowest responsible bidder in compliance with N.J.S.A. 18A:18A-2(t). The Board of Directors reserves the right to reject any non-responsive bids or all bids, pursuant to N.J.S.A. 18A:18A-22, and to waive minor informalities or non-material exceptions. (Page 27) For any Bidder who submits an Award Criteria Figure of less than 1.0000, failure to provide a detailed summary per the instructions provided for Bid Form C may result in the bid being declared non-responsive. (Page 69) Bidder responsibility is determined under all elements permitted by law.

D. Prevailing Wage Compliance and Enforcement

11. *Section 47 of the Specifications references the Lowest Bidder Prevailing Wage Certification (10%) provision under N.J.S.A. 34:11-56.27(a), which by its terms applies where the lowest bid is ten percent or more under the next lowest bid. Given that award under this Job Order Contract is based on Adjustment Factors rather than a single lump-sum bid price, please confirm how, if at all, this certification requirement will be applied to Adjustment Factor bids under this solicitation. If it will not be applied, please describe what mechanism, if any, will be used to identify facially non-compliant bids prior to award.*

Response: The bidder who submits the lowest bid price for the contract by ten (10%) percent or more under the amount of the next lowest bid shall, prior to the award of the contract, certify to

the ESCNJ on a form provided by the Commission, that the prevailing wage rates required by the Prevailing Wage Act shall be paid in performing the work under the contract. If the bidder does not provide the certification required prior to the award of the contract, the ESCNJ shall award the contract to the next lowest responsible and responsive bidder, as required by N.J.S.A. 34:11-56.27(a). (Page 43)

12. *Beyond the standard certified-payroll submission requirement applicable to all contracts, what specific oversight or audit mechanism will ESCNJ or Gordian Group employ during contract performance to confirm that a contractor performing Pre-priced Task work at its awarded Adjustment Factor(s) is in fact paying prevailing wages?*

Response: Every contractor is required to submit certified payrolls to the Co-op Member for each payroll period within ten (10) days of paying wages to their employees. The contractor shall use the New Jersey Department of Labor/Workforce Development Form MW-562 (6/23) to certify payroll records. The contractor further understands that no payments will be made to the contractor by the Co-op Member if the participating member does not receive certified payrolls. The contractor is responsible for ensuring timely receipt by the Co-op Member of certified payrolls. Reference N.J.A.C. 12:60-5.1(c). (Page 43) Please note – it is expected that the awarded vendor(s) will comply with the applicable regulations adopted by the New Jersey Department of Community Affairs / Division of Local Government Services.

END OF ADDENDUM NO. 2

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Michael Fischetti

Purchasing Analyst

Educational Services Commission of New Jersey