

William Paterson University Policy

Functional Policy

SUBJECT:	Procurement for Capital Projects	TITLE:	Procurement for Capital Projects		
CATEGORY: Check One	Board of Trustees	University	Functional X	School/Unit	
Responsible Executive:	AVP, Administration		Responsible Office:	AVP, Administration	
CODING:	02-30-40-10-00	ADOPTED:	5/5/16	AMENDED:	12/01/22
					LAST REVIEWED: 12/01/22

I. PURPOSE

While all procurement must comply with University Policy regarding purchasing and the State College Contracts law, the procurement processes employed in the implementation of capital projects have special considerations and additional requirements. This document details the specific procedures required in the procurement of goods, services and construction associated with capital projects.

II. ACCOUNTABILITY

This policy is administered by Associate Vice President, Administration (AVP) and it is the responsible of assigned project managers in Physical Plant Operations (PPO) and Capital Planning, Design and Construction (CPDC) to comply with this policy. Project managers are responsible to coordinate this policy in accordance with project requirements. The Associate Vice President (AVP) must approve all purchase requisitions and increases to purchase requisitions related to capital project FOAPS managed by CPDC or Physical Plant.

III. APPLICABILITY

This policy applies to capital projects with assigned project managers in the PPO and CPDC departments. All capital procurement for capital projects must also comply with the purchasing policies of the University administered by the Purchasing Department.

VI. REFERENCES

1. University Purchasing Policy - See the Purchasing Department webpage for the latest version.
2. State College Contracts Law NJSA 18A:64-52 et. seq

VII. POLICY

A. Solicitation

For a scope of work that is anticipated to exceed the NJ Public Bid threshold, as defined and revised by the State of NJ (\$35,500 for prevailing wage projects and \$100,000 for goods and services procurements as of 2/17/22 or as update on the Purchasing Office website), the minimum notification requirements is advertisement in the *Star Ledger* newspaper. Advertisement may also be in *The Record* newspaper. The assigned project manager will prepare the required Notice to Bidders or Request for Proposal notice using approved departmental templates. Projects exceeding the threshold will also be published on the CPDC website.

The AVP) must approve all postings to the CPDC website. In addition, to ensure a competitive bidding pool the project managers may elect to publicize through electronic trade publications (i.e. Dodge Reports, Construction Data News, The Blue Book Building and construction Network). Help from design professionals, construction managers and manufacturer representatives is also often sought to generate bidding interest in capital projects.

In accordance with the Local 195 bargaining agreement, bid notices will be sent to the Local 195 designated University representative. Notification will be in the form of an e-mail to the union representative and the William Paterson University Human Resources Department. Additionally, consistent with State of New Jersey and University regulations, prior to obtaining the services of an outside contractor all work must be pre-approved by Physical Plant Operations and/or Capital Planning Design and Construction. Outside contractor would include areas such as: alterations to walls, doors, ceilings, electrical, HVAC, plumbing, and fire protection systems. Also included would be areas such as custodial services, painting, landscaping, and other trades.

For work that is below the bid threshold or not publicly advertised, prior to the execution of any contract or subcontract for the performance of work substantially similar to that performed by negotiations unit employees, a State college shall allow for reasonable consultation with the appropriate bargaining unit representative regarding such action. The negotiations unit's representative shall be entitled to review the supporting documentation concerning the purchase, contract or subcontract and to an assessment of the impact of that purchase, contract or subcontract on the negotiations unit employees of the college. This consultation shall be coordinated with the Director of Physical Plant.

Bidding requirements are satisfied for requisitions to vendors with State of NJ contracts, University contracts, or University Board Waivers. Products under GSA (Federal) and other cooperative contracts may also satisfy the bidding requirement.

B. Documents Required for Bidding

With each competitive bid, bidders will be required to provide documents from the Bid Document Checklist approved by the Associate Vice President. Failure to submit the forms may result in the bid being considered nonresponsive.

Each construction bid shall include the standard template of the "Instructions to Bidders", which may be modified to include project specific data.

The General Conditions document is included with each construction bid package and must be used in conjunction with the Supplemental Instructions and Standard Contract for Construction. The current form of the General Conditions document can be downloaded from <http://www.wpunj.edu/dotAsset/28e0c83a-b1d1-4f59-b8bbe00e4cc0076b.pdf>. The most current form of the General Conditions is issued and maintained by the AVP, Administration.

The Supplemental Instruction is prepared by the project manager and added to bid packages and contains more project specific information for the bidders. The project manager shall modify the approved template for specific project requirements and will define the following:

- Any prequalification requirements
- List of required documents to be submitted with the bid
- Modifications to the general conditions
- Contract Milestones

- Liquidated Damages
- Anticipated date of award.
- Other information specific to the bid

The Bid Form or Proposal Form is prepared by the project manager for pricing information. Pricing may include options for Unit Prices or Bid Alternates.

Prior to bidding, the NJ Office of the State Controller must review and approve all bid packages that are expected to exceed \$12.5 million. The bid package must be submitted at least 30 calendar days prior to advertisement. All projects with a value of \$2.5 million or above must be reported to the NJ Office of the State Controller within 20 working days following contract award.

C. Bid and Proposal Opening

If the published specifications provide for receipt of bids by mail, those bids which are mailed to shall be sealed and shall be opened only at such time and place as all bids received are unsealed after the due date and time. At that time and place, the project manager or other party so designated and authorized shall publicly receive the bids and thereupon immediately proceed to unseal them. A proper record of prices and terms shall be made. No bids shall be received after the time designated in the advertisement. No bid shall be accepted which does not conform to the specifications furnished therefore.

CPDC will accept bids for goods and professional services via e-mail to the department e-mail address in cases where a sealed original is not required. Bids received via e-mail must be received by the due date and time specified for the opening. The file size for the proposal submission is limited to 150MB. CPDC makes every effort to notify bidders that it is their responsibility to ensure that their method of proposal submission arrives to the bid opening prior to the time designated in the advertisement.

D. Board Waiver and Contract Awards

Board waivers are required for construction awards greater than the threshold for public advertisement, where the selected firm is not the lowest responsive bidder. A summary of the selection process and recommendation for award must be documented by the chair of the selection committee that includes cost comparisons, justification, other supportive documentation, and a statement on how the waiver benefits the university. Requests for Board Waivers are not automatic and are subject to the approval of the Board of Trustees. The procurement of goods and services can be awarded, in accordance with the State College Contracts law, to the responsible bidder whose bid is most advantageous to the University, price and other factors considered.

E. Form of Agreement

A purchase order is the form of agreement for all procurements that are not covered by a written agreement.

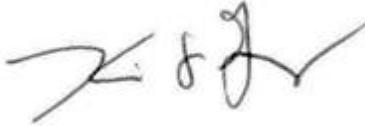
In addition to the purchase order, the University has standard forms of agreement for Professional Services and Construction that are to be utilized when exceeding the public bid threshold or if otherwise appropriate. The use of these documents is above and beyond the requirement for a purchase order. The AVP of Administration issues and maintains the most current forms of agreement. . The templates for the contracts can be downloaded for use at <http://www.wpunj.edu/capital-planning/contracts-and-forms.dot>. When these contracts are utilized, the project manager will attest to the contract and the University with authority to enter into contracts as resolved by the Board of Trustees will execute the contract.

F. Change in Scope of Work

If there is a change in the scope of work with a formal design contract, an addendum to the contract must be prepared and executed using the approved template. If there is a change in the scope of work with a formal construction contract, a change order using standard templates must be prepared and executed. Approval must be received from the AVP prior to any financial commitment. Change orders should be signed by all applicable parties: architect/engineer, contractor, construction manager, and owner. If one party or another refuses to sign, it should be so noted on the change order cover page.

The project manager may also obtain required approvals in advance using a Blue Sheet or Gold Sheet to expedite critical construction approvals. The Blue Sheet is used for anticipated or potential costs for a specific item or closely related items. The Project Manager shall use their discretion based on the individual project scope and risk to create Gold Sheets to establish general allowances for anticipated or potential project costs, which may include construction contingencies such as Errors/Omissions, Owner's Change, Field Conditions, or DC A Requests. Both the Blue and Gold Sheets must include an estimated value and ultimately followed by a formal change order.

By Direction of the President and Cabinet:

A handwritten signature in black ink, appearing to read "K. Garvey", enclosed within a thin black rectangular border.

Kevin Garvey
Associate Vice President for Administration