STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY

33 WEST STATE STREET, P.O. BOX 230
TRENTON, NEW JERSEY 08625-0230

SUBCONTRACTOR UTILIZATION PLAN INSTRUCTIONS AND INFORMATION

Any Vendor {Bidder} intending to subcontract must complete the Subcontractor Utilization Plan Form, listing all proposed subcontractors on the Form. Vendors {Contractors} seeking to add, remove, or make changes to approved subcontractors must also use this Form. Pursuant to N.J.S.A. 52:32-44, all subcontractors must have a valid Business Registration Certificate on file with the Division of Revenue and Enterprise Services and a copy of the registration certificate should be attached to the Form. Where the Bid Solicitation includes Small Business Subcontracting Set-Aside provisions, these Instructions provide guidance on how Vendors {Bidders/Contractors} that intend to subcontract can meet set-aside obligations.

Procedures for Small Business Subcontracting Set-Aside Contracts

If the Bid Solicitation indicates there is a Small Business Subcontracting Set-Aside requirement for this contract and the Vendor {Bidder} intends to utilize any subcontractors during the course of the contract(s) to be awarded as a result of this Bid Solicitation, the Vendor {Bidder} shall make a good faith effort to meet the set-aside subcontracting targets of awarding a total of twenty-five percent (25%) of the value of the contract to New Jersey-based, Division of Revenue - Small Business Enterprise Unit registered small businesses. N.J.A.C. 17:13-4.1; Executive Order 71 (McGreevey).

Definitions

"*Small Business*", as defined by N.J.A.C. 17:13-2.1, means a business that:

1. is independently owned and operated;
2. is incorporated or registered in and has its principal place of business located in the State of New Jersey;
3. has 100 or fewer full-time employees; and
4. for a good or services contracts, has gross revenues falling in one of the following three categories:
   a. 0 to $500,000 (Category I);
   b. $500,001 to $5,000,000 (Category II);
   c. $5,000,001 to $12,000,000, or the applicable federal revenue standards established at 13 CFR 121.201, whichever is higher (Category III);
5. for State construction contracts, has gross revenues falling in one of the following three categories:
   a. 0 to $3,000,000 (Category IV);
   b. gross revenues that do not exceed 50 percent of the applicable annual revenue standards established at 13 CFR 121.201 (Category V);
   c. gross revenues that do not exceed the applicable annual revenue standards established at CFR 121.201, (Category VI).

"*Division of Revenue - Small Business Enterprise Unit Registered Small Business*" means a small business that meets the New Jersey requirements and definitions of "small business" and has applied for and been approved by the Division of Revenue - Small Business Enterprise Unit as a small business.

Suggested Procedure to Demonstrate a Good Faith Effort on Small-Business Subcontracting Set-Aside Contracts

If the Bid Solicitation contains small-business subcontracting set-aside goals and a Vendor {Bidder} intends to subcontract, the following actions should be taken to achieve the set-aside subcontracting goal requirements:

1. Attempt to locate eligible small businesses in Categories I, II, III, IV, V and/or VI as appropriate to the Bid Solicitation;
2. Request a listing of small businesses by Category from the Division of Revenue and Enterprise Services;
3. Record efforts to locate eligible businesses, including the names of businesses contacted and the means and results of such contacts;
4. Provide all potential subcontractors with detailed information regarding the specifications;
5. Attempt, whenever possible, to negotiate prices with potential subcontractors submitting higher than acceptable price Quotes;
6. Obtain, in writing, the consent of any proposed subcontractor to use its name in response to the Bid Solicitation; and,
7. Maintain adequate records documenting efforts to achieve the set-aside subcontracting goals.

A Quote should also contain the following items with the Plan, as applicable:

1. A copy of the Division of Revenue - Small Business Enterprise Unit Registered Small Business proof of registration as a small business for any business proposed as a subcontractor; and,
2. Documentation of the Vendor's {Bidder's} good faith effort to meet the targets of the set-aside subcontracting requirements. The document(s) should contain sufficient detail to permit the Bid Review Unit of the Division of Purchase and Property to effectively assess the Vendor's {Bidder's} efforts to comply if the Vendor {Bidder} has failed to attain the statutory goals.

If awarded the contract, the Vendor {Bidder} shall notify each subcontractor listed in the Plan, in writing.

NOTE THAT A VENDOR'S {BIDDER'S} FAILURE TO SATISFY THE SMALL-BUSINESS SUBCONTRACTING TARGETS OR PROVIDE SUFFICIENT DOCUMENTATION OF ITS GOOD FAITH EFFORTS TO MEET THE TARGETS WITH THE QUOTE OR WITHIN TEN (10) DAYS UPON REQUEST SHALL PRECLUDE AWARD OF A CONTRACT TO THE VENDOR {BIDDER}.

A Vendor {Bidder} seeking eligible Small Businesses should contact:

New Jersey Division of Revenue and Enterprise Services- Small Business Enterprise Unit
33 West State Street - Fifth Floor
PO Box 026
Trenton, NJ 08625-0026
Telephone: (609) 292-2146
Fax: (609) 984-6679

Each Vendor {Bidder} awarded a contract for a procurement which contains the set-aside subcontracting goal requirement shall fully cooperate in any studies or surveys which may be conducted by the State to determine the extent of the Vendor's {Bidder's} compliance with N.J.A.C. 17:13-1.1 et seq.

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY

33 WEST STATE STREET, P.O. BOX 230
TRENTON, NEW JERSEY 08625-0230

SUBCONTRACTOR UTILIZATION PLAN FORM

BID SOLICITATION #: _____
BID SOLICITATION TITLE: _____

VENDOR {BIDDER} NAME: _____
VENDOR {BIDDER} ADDRESS: _____

VENDOR {BIDDER} PHONE NUMBER: _____
VENDOR {BIDDER} EMAIL: _____

INSTRUCTIONS: List all businesses to be used as subcontractors.

SUBCONTRACTOR'S NAME: _____
SUBCONTRACTOR IS A SMALL BUSINESS: ☐ **YES** ☐ **NO**
IF YES, SMALL BUSINESS CATEGORY*: ☐ **I** ☐ **II** ☐ **III** ☐ **IV** ☐ **V** ☐ **VI**
SUBCONTRACTOR'S ADDRESS: _____

SUBCONTRACTOR PHONE NUMBER: _____
SUBCONTRACTOR EMAIL: _____
SUBCONTRACTOR FEIN: _____
TYPE(S) OF SERVICE(S) TO BE PROVIDED: _____
ESTIMATED VALUE OF SUBCONTRACT: _____

SUBCONTRACTOR'S NAME: _____
SUBCONTRACTOR IS A SMALL BUSINESS: ☐ **YES** ☐ **NO**
IF YES, SMALL BUSINESS CATEGORY*: ☐ **I** ☐ **II** ☐ **III** ☐ **IV** ☐ **V** ☐ **VI**
SUBCONTRACTOR'S ADDRESS: _____

SUBCONTRACTOR PHONE NUMBER: _____
SUBCONTRACTOR EMAIL: _____
SUBCONTRACTOR FEIN: _____
TYPE(S) OF SERVICE(S) TO BE PROVIDED: _____
ESTIMATED VALUE OF SUBCONTRACT: _____

Attach Additional Sheets If Necessary

* For those Vendors {Bidders} listing Small Business Subcontractors: Attach copies of Division of Revenue - Small Business Enterprise Unit registration for each subcontractor listed. If Vendor {Bidder} has not achieved established subcontracting set-aside goals, also attach documentation of good faith effort to do so in the relevant category in accordance with N.J.A.C. 17:13-4.1.

CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor {Bidder}, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein, and that the Vendor {Bidder} is under a continuing obligation from the date of this certification through the completion of any contract(s) with the State to notify the State in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I will be subject to criminal prosecution under the law, and it will constitute a material breach of my agreement(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

_____ _____
Signature Date

_____
Print Name and Title