



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
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May 23, 2023

To: All Interested Vendors {Bidders}

**Re: Bid Solicitation # 22DPP00769
Bid Solicitation T3138 Electric Vehicle Service Equipment - Statewide**

**Quote Submission Due Date: ~~May 11, 2023 (2:00 p.m. Eastern Time)~~
~~May 25, 2023 (2:00 p.m. Eastern Time)~~
June 23, 2023 (2:00 p.m. Eastern Time)**

Bid Amendment #3

The following constitutes Bid Amendment #3 to the above referenced Bid Solicitation:

- This Bid Amendment includes answers to questions; and
- Revisions to the Bid Solicitation and;
 - Please note that for all additions, deletions, clarifications and modifications to the Bid Solicitation, please refer to the Revised Bid Solicitation titled "T3138 22DPP00769 Revised Bid Solicitation 5.23.2023".

It is the sole responsibility of the Vendor {Bidder} to be knowledgeable of all of the additions, deletions, clarifications, and modifications to the Bid Solicitation and/or the New Jersey Standard Terms and Conditions relative to this Bid Solicitation as set forth in all Bid Amendments.

All other instructions, terms, and conditions of the Bid Solicitation shall remain the same.

Bid Solicitation #22DPP00769
T3138 Electric Vehicle Service Equipment - Statewide

Answers to Questions

Where applicable, each question references the appropriate Bid Solicitation section.

Note: The following terms/acronyms are referenced herein and are defined as follows:

CCS - Combined Charging System – A type of EVSE connector standard in common use in the US.

DCFC - Direct Current Fast Charging – A protocol for rapidly charging EV batteries by supplying power directly to the batteries in the form of direct current voltage, rather than going through a vehicle-based inverter as with Level 1 and Level 2 charging.

DVOB - Disabled Veterans' Business - means a business which has its principal place of business in the State, is independently owned and operated and at least 51% of which is owned and controlled by persons who are disabled veterans or a business which has its principal place of business in this State and has been officially verified by the United States Department of Veterans Affairs as a service disabled veteran-owned business for the purposes of department contracts pursuant to federal law. N.J.S.A. 52:32-31.2.

EVSE - Electric Vehicle Service Equipment– the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, switches and controls, network interfaces, and point of sale equipment and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or direct current electricity consistent with fast charging equipment standards.

SBE - Small Business – Pursuant to N.J.S.A. 52:32-19, N.J.A.C. 17:13-1.2, and N.J.A.C. 17:13-2.1, "small business" means a business that meets the requirements and definitions of "small business" and has applied for and been approved by the New Jersey Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit as (i) independently owned and operated, (ii) incorporated or registered in and has its principal place of business in the State of New Jersey; (iii) has 100 or fewer full-time employees; and has gross revenues falling in one (1) of the six (6) following categories: For goods and services - (A) 0 to \$500,000 (Category I); (B) \$500,001 to \$5,000,000 (Category II); and (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).

For construction services: (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); and (C) gross revenues that do not exceed the applicable annual revenue standards established at CFR 121.201, (Category VI).

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
1	Pdf Documents	Question: When trying to open a Portable Document Format (PDF), I am receiving an error message and am unable to access the PDF. How should I proceed? Answer: It is recommended that users utilize Microsoft Edge to view PDFs. Certain PDF forms cannot be opened in the Chrome or Firefox built in PDF viewers that are enabled by default. If using Chrome or Firefox it is recommended that the file is downloaded instead by clicking the download button in the upper right-hand corner of the browser after an error message is received. An alternative option is to disable the built in PDF viewers in Chrome or Firefox.
2	Quote Submission	Question: Should I check that I have properly completed and attached all of the required documents with my submitted Quote? Answer: Yes. Prior to the Quote Opening Deadline, a Bidder should review the documents comprising the submitted Quote to ensure that all of the required documents have been completed and attached. Oftentimes a Quote is deemed non-responsive because a Bidder fails to attach a required form or attaches a blank form. To review a submitted a Quote, a Bidder should log into NJSTART and review each document attached to the Quote submission. Instructions on how to review a submitted Quote can be found in the Quick Reference Guide entitled How to Review

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
		a Submitted Quote, which is available on the NJSTART Vendor Support Page under Vendor Reference Guides.
3	Quote Submission	Question: Please confirm a Bidder may deliver a hardcopy quote instead of submitting a response electronically. Answer: Please be advised that all Quotes shall be submitted electronically through NJSTART.
4	Exceptions	Question: Will the State allow Bidders to take exception to any of the Standard Terms and Conditions? Answer: As stated in Bid Solicitation Section 2.2, Exceptions to the State of NJ Standard Terms and Conditions (SSTC): Questions regarding the State of New Jersey Standard Terms and Conditions and exceptions to mandatory requirements MUST be posed during the Electronic Question and Answer period and shall contain the Bidders suggested changes and the reason(s) for the suggested change(s).
5	Software License Agreements	Question: Should I include my Firm's software license agreement or End-User license agreements with my Quote? Answer: No. You should not include any software license agreements or End-User license agreements with your Quote. As per Bid Solicitation Section 3.12 of the Bid Solicitation "NOTE: Bidders are advised that any software licensing terms and conditions, including but not limited to software service agreements, subscription agreements and or end user licensing agreements should not be submitted with the Quote. The State may request those documents from the intended awardee(s) AFTER the Notice of Intent to Award is issued by the Division. See Bid Solicitation Section 8.17."
6	Public Works Registration	Question: Since the dealers will be doing the installation, is the manufacturer as a bidder required to obtain a Public Works Registration Certificate? Is this a required form from the manufacturer? Answer: As per Bid Solicitation Section 3.11 at the time of the Quote due date, the Bidder and Subcontractors performing public work as defined in N.J.S.A. 34:11-56.26 must be registered in accordance with the Public Works Contractor Registration Act (PWCRA), N.J.S.A. 34:11-56.48 et seq. This registration is required for all trade categories required to perform work as listed in this Bid Solicitation. As such, the manufacturer as Bidder is required to be registered in accordance with the Public Works Contractor Registration Act (PWCRA), N.J.S.A. 34:11-56.48 et seq. Additionally, the Bidder should provide proof of Public Works registration with their Quote submission, including proof of Public Works registration for all Dealers/Distributors and Subcontractors. Furthermore, as per Bid Solicitation Section 9, Dealer/Distributor is defined as: A Company authorized by a Bidder or Contractor as having the contractual ability to accept and fulfill orders and receive payments directly on behalf of the Contractor that is awarded a Contract. Any authorized Dealer/Distributor must agree to all terms and conditions contained within the RFQ and must agree to provide all

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
		products and services in accordance with the Contract specifications, terms, conditions and pricing. Specifically, please note that, as per Bid Solicitation Section 5.7, Dealers/Distributors must comply with the requirements of the NJ State Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq. as it applies to public work and building services performed under this procurement. Questions regarding Public Works Contractor Registration should be addressed to: Contractor Registration New Jersey Department of Labor and Workforce Development, Division of Wage and Hour Compliance PO Box 369, Trenton, NJ 08625-0389 Tel: 609-292-9464 Fax: 609-633-8591 For additional information, please reference the following web site: https://www.nj.gov/labor/wagehour/regperm/pw_cont_reg.html
7	Software Pricing	Question: All available software is included in the price of the EVSE. I do not offer any additional software products. How do I bid on Price Line 2? Answer: Bidders offering EVSE and related pricing that includes all software required in the Bid Solicitation should enter "Zero" or "0" in the "% Discount/Markup" field on the State-Supplied Price Sheet.
8	Small Business Enterprise (SBE) and/or Disabled Veteran-Owned Business (DVOB) Registration	Question: For the SBE or DVOB preference, what happens if I submit a Quote, but my firms SBE or DVOB status is listed as Expired or Revoked with the Division of Revenue and Enterprise Services, Small Business Registration and MWBE Certification Services Unit on the date the Quote is received and opened? Will my Quote be considered for the SBE or DVOB preference? Answer: If your firm's SBE or DVOB status is listed as Expired or Revoked by the DORES Small Business Registration and MWBE Certification Services Unit at the date the Quote is received and opened, the Quote submitted by your firm will not be evaluated as coming from a responsive qualifying SBE or DVOB. As stated in Bid Solicitation Section 3.8 Small Business Set-Aside Contract: The Bidder must be registered as a qualified small business with the Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit, by the date the Quote is received and opened. Also stated in Bid Solicitation Section 3.9 Disabled Veterans Business Set-Aside Contract: The Bidder must be registered as a qualified Disabled Veterans Business with the Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit by the date the Quote is received and opened.
9	SBE and DVOB Registration	Question: For the SBE and DVOB preference, how can I check if my business is registered and approved as an SBE or DVOB with the Division of Revenue and Enterprise Services? Can I apply online? Answer: By clicking on the below link, you will be directed to the New Jersey Department of the Treasury, Division of Revenue and Enterprise Services, Small

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
		Business Registration and M/WBE Certification Services Unit. To verify the current SBE or DVOB status of your firms account or for instructions to apply online for SBE and/or DVOB certification, please visit: https://www.nj.gov/treasury/revenue/business-cert-program.shtml .
10	Section 4.1 EVSE – Electric Vehicle Service Equipment (Price Line 1)	Question: Can vendors propose Level 2 chargers only and DC Fast chargers only, or are both mandatory? Answer: Yes, bidders may bid Level 2 chargers or DC Fast chargers only for Price Line 1. As stated in Bid Solicitation Section 4.1 (emphasis added in bold): <i>“The Contractor should offer various configurations of EVSE including Level 1, Level 2 and DCFC chargers.”</i> Bid Solicitation Section 9 defines ‘should’ as follows: <i>“Should – Denotes that which is permissible or recommended, not mandatory.”</i> It is understood that not all Vendors will be able to offer all three types of chargers referenced in the Bid Solicitation. However, a Bidder is strongly encouraged to bid all level charging stations that it can possibly offer under the brand/manufacturer.
11	Section 4.11 Energy Star Requirements	Question: The RFP mentions that chargers require Energy Star Rating. In January the Energy Star team in Washington DC convened a call with EV charger providers (manufacturers and resellers, acknowledging that when EPA began the EV Charging Energy Star program, power demands of early model chargers did not have such things as credit readers, cellular modems, RFID readers, keyboards, displays or other technologies required to meet evolving standards. EPA encouraged vendors to submit the technologies that demand power, and stated the call that a preliminary statement of power demand "allowances" would be available by the end of March, with a published list in the July timeframe. Given the due date is May 11, will the state accept proposals that 1, will be in compliance based upon EPA's new March list; or 2, if providers are in compliance by the EPA's published list/ruling in July; or 3, are certified either by the contract signing date or e.g. January 2024. Answer: The State will accept proposals for Level 1 and Level 2 EVSE products that are certified to an Energy Star rating as of the date of contract award. The minimum standard required for Level 1 and Level 2 EVSE products is the “Energy Star Requirements Product Specification for Electric Vehicle Supply Equipment, Version 1.0” (Version 1.0) developed by the United States Environmental Protection Agency. Please refer to this link for more information: NJDEP Drive Green NJ It Pays to Plug In. DCFC EVSE products are not required to be Energy Star certified.
12	Section 4.1 EVSE – Electric Vehicle Service Equipment (Price Line 1)	Question: Is it allowable to quote only DCFC and not Level 1 or Level 2 chargers? Answer: Yes, bidders may bid DC Fast chargers only for Price Line 1. As stated in Bid Solicitation Section 4.1 (emphasis added in bold): <i>“The Contractor should offer various configurations of EVSE including Level 1, Level 2 and DCFC chargers.”</i> Bid Solicitation Section 9 defines ‘should’ as follows: <i>“Should – Denotes that which is permissible or recommended, not mandatory.”</i>

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
		It is understood that not all Vendors will be able to offer all three types of chargers referenced in the Bid Solicitation. However, a Bidder is strongly encouraged to bid all level charging stations that it can possibly offer under the brand/manufacturer.
13	Section 3.17 Bidder Data Sheet/Form and Section 3.19 Specification Data Sheets	Question: Are product Data Sheets required to be submitted at the time of the bid, or after award? Note: In its question, the Vendor referenced Bid Solicitation Section 3.17. As such, the answer to the question will be separated to address both the submission of the Bidder Data Sheet/Form (Section 3.17) and the submission of product data sheets (Section 3.19). Answer: The Bidder Data Sheet/Form should be submitted with the Quote. Bid Solicitation Section 3.17 states, in pertinent part: <i>"The Bidder should submit the Bidder Data Sheet with its Quote. The Bidder Data Sheet will be used to evaluate the Bidder's ability to complete the Scope of Work."</i> The submission of product data sheets are not required as part of this procurement. Bid Solicitation Section 3.19 states: "SPECIFICATION DATA SHEETS Not applicable to this procurement."
14	Section 3.14.14 Made in the USA/Federal Funding Eligibility Certification	Question: Please elaborate more on "Made in the USA/Federal Funding Eligibility". Can products that do not meet all criteria be submitted on the bid? Is Made in the USA/Federal Funding Eligibility a requirement or a preference for the bid? Answer: Bidders may offer products that are not Made in the USA. This is not a requirement, but if an Agency is utilizing certain Federal funding, under the mandates of that Federal funding, they may be required to purchase those EVSE products that meet the Made in the USA/Federal Funding Eligibility Certification in order to receive reimbursement. Bid Solicitation Section 3.14.14 states: <i>"The Bidder should submit the Made in the USA/Federal Funding Eligibility Certification document. This certification will identify those Bidders offering EVSE products that comply with certain Federal requirements necessary for State and local agencies to obtain reimbursement through certain Federal funding source(s)."</i>
15	Section 4.1.1 General EVSE Specifications	Question: What is your preference for charging capacities for range of (kW) Level 2 vs. DCFC? Answer: For Level 2, a minimum of 5.76 kW is suggested. This is the kW rating required under the California Air Resources Board Advanced Clean Cars II regulation for zero emission vehicles. For DCFC, there is no suggested minimum, as different power levels have different applicability. The Vendors are encouraged to bid/propose pricing for all brands/manufacturers and their associated product lines. Please note that these are only suggestions and are not mandatory requirements. This response is not meant to pre-qualify or pre-approve any specific brands/manufacturers of Level 2 and/or DCFC equipment offered nor is it intended to limit the types of Level 2 and/or DCFC equipment bid.
16	Section 4.1.1 General EVSE Specifications and	Question: Can you please explain the requirement for "ccs combo compliant". This is typically either 2 ccs combo, or 1 ccs and 1 chademo.

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
	Section 9.1 Contract Specific Definitions/Acronyms	Answer: “Combo” is simply another term for the CCS connector itself. CCS combo 1 just means a normal North American CCS connector. Bid Solicitation Section 9.1 defines CCS or “Combo 1” as: “SAE J1772 CCS or “combo 1” – Combined Charging System. This protocol standard adds additional pins to the J1772 connector to allow DC fast charging. This connector is most commonly supported by North American and European EVs equipped for fast charging.” Bid Solicitation Section 9.1 also defines CCS in the ‘EV’ definition as follows (emphasis added in bold): “EV – Electric vehicle. For the purpose of this RFP, electric vehicle includes any vehicle that may accept Level 1, Level 2, or DCFC. Such vehicles must include a J1772 connector for regular charging and may also include a J1772 CCS or CHAdeMO connector for fast charging. Both pure battery electric vehicles and plug-in hybrid vehicles are included.” The word ‘compliant’ has been removed from Bid Solicitation Section 4.1.1, Items F and G. Please refer to the revised Bid Solicitation titled ‘T3138 22DPP00769 Revised Bid Solicitation 5.23.2023’.
17	Section 2.1 Electronic Question and Answer Period	Question: We request a second Question date for any further clarifications needed after the initial Q&A is released. Answer: There will not be a second electronic question and answer period opened for this procurement.
18	Section 3.1 Quote Submission, Bid Amendment Cover Page and Bid Solicitation Cover Page	Question: Please confirm that 5/11/23 is the submission due date for electronic Quote submissions via the NJStart portal. Answer: The original Quote Submission Due Date was 5/11/23. The Quote Submission Due Date has been revised to 6/23/23, as indicated in this Bid Amendment and in the revised Bid Solicitation titled ‘T3138 22DPP00769 Revised Bid Solicitation 5.23.2023’. All Quote submissions should be submitted through NJSTART (www.njstart.gov), as indicated in Bid Solicitation Section 3.1.
19	Section 8.16 Contract Award and Section 8.17 Notice of Intent to Award	Question: Please confirm if vendors will be able to redline the draft contract documents if determined are they are in the running for an award? Answer: Vendors will be notified if they are being proposed for a contract award through a Notice of Intent to Award letter issued by the Division of Purchase and Property. Please refer to Bid Solicitation Section 8.17. Vendors will not be able to make any red lines to the actual contract documents. Pursuant to the Offer and Acceptance Page to be signed by the Bidder “By submitting a Quote the Bidder certifies and confirms that: 1) It has read, understands, and agrees to all terms, conditions, and specifications set forth in the Bid Solicitation and the State of New Jersey Standard Terms and Conditions and agrees to furnish the goods, products, and/or services in compliance with those terms.”

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
20	Section 4.5 Installation Services for Electric Vehicle Service Equipment (Price Line 6)	Question: Please confirm that the State is only requesting "stub-up" installation. Answer: Correct. This solicitation is only for "stub-up" installation. As per Bid Solicitation Section 4.5: <i>"Using Agency shall be responsible for the completion of Make Ready Work...The Contractor shall coordinate with Using Agency to assure that Make Ready infrastructure is installed according to the EVSE manufacturer's specifications prior to proceeding with EVSE installation."</i>
21	Section 4.2.2.6.1 General Requirements	Question: Please note that FreeWire is not the EVSP. Accordingly, items A, B, D, E and G are dependent on the EVSP. However, the FreeWire Boost Charger does come with on-board payment functionality and is equipped to provide this functionality through an applicable EVSP and FreeWire can resell the EVSP. Answer: The EVSE bid must meet all Bid Solicitation specifications, including but not limited to the E-Mobility Services stated in Bid Solicitation Section 4.2.2.6.1. The purpose of this Bid Amendment is to answer questions specific to the Bid Solicitation, supporting published documentation and the New Jersey Standard Terms and Conditions. The purpose of this Bid Amendment is not to pre-qualify, pre-approve or evaluate any specific brands/manufacturers or services nor is it intended to limit the types of EVSE equipment bid. Bidders are expected to offer products and services that meet the Bid Solicitation specifications and requirements.
22	Section 4.2.2.6.2 Payments	Question: Please note that a third party payment provider, which is PCI compliant, will be engaged to provide payment processing functionality. Answer: As stated in Bid Solicitation Section 4.2.2.6.2, all credit/debit card transactions shall be processed by a Payment Card Industry (PCI) Compliant entity. Please ensure that the EVSE brand/manufacture bid meets all Bid Solicitation requirements, including, but not limited to Bid Solicitation Section 4.2.2.6.2.
23	Section 3.11 Public Works Contractor Registration Section 3.14.8 Subcontractor Utilization Plan Section 4.5 Installation Services for Electric Vehicle Service Equipment (Price Line 6) Section 4.5.1 Installation for Electric Vehicle Service Equipment / Contractor Responsibilities	Question: FreeWire will likely contract with an installer that is licensed in New Jersey for relevant services. Answer: This is permissible. Please ensure that any installers that a Bidder intends to utilize as part of the contract are provided with the Quote submission and identified as either a subcontractor, through the Subcontractor Utilization Plan/Form, or as a dealer/distributor, based on the definitions in Bid Solicitation Section 9.0, and below for reference. Dealer/Distributor – A Company authorized by a Bidder or Contractor as having the contractual ability to accept and fulfill orders and receive payments directly on behalf of the Contractor that is awarded a Contract. Any authorized Dealer/Distributor must agree to all terms and conditions contained within the Bid Solicitation and must agree to provide all products and services in accordance with the Contract specifications, terms, conditions and pricing. Subcontractor – An entity having an arrangement with a Contractor, whereby the Contractor uses the products and/or services of that entity to fulfill some of its obligations under its State Contract, while retaining full responsibility for the performance of all Contractor's obligations under the Contract, including payment to the Subcontractor. The Subcontractor has no legal relationship with the State, only with the Contractor. In the case of Bidders utilizing subcontractors to perform services requiring Public Works, please ensure that all Public Works requirements in the Bid Solicitation are

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
	Section 5.7 Authorized Dealer and/or Distributors Section 9 Glossary	met. Please read the Bid Solicitation thoroughly regarding this requirement, including but not limited to, Bid Solicitation Section 3.11, which states, in pertinent part: <i>“At the time of the Quote due date, the Bidder and Subcontractors performing public work as defined in N.J.S.A. 34:11-56.26 must be registered in accordance with the Public Works Contractor Registration Act (PWCRA), N.J.S.A. 34:11-56.48 et seq. This registration is required for all trade categories required to perform work as listed herein.”</i> In the event that Bidders are utilizing Dealers/Distributors, please note that Dealers/Distributors must comply with the requirements of the NJ State Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq. as it applies to public work and building services performed under this procurement. Please refer to Bid Solicitation Section 5.7. Any installer must be knowledgeable of all installation requirements in the Bid Solicitation. Please also refer to Bid Solicitation Sections 4.5 and 4.5.1 for Installation Services.
24	Section 4.5.5 Inspection and Acceptance of Work Section 4.7 Restocking Fees/Return Shipping Charges (Price Line 8) Section 4.15 Contract Method of Operation	Question: FreeWire requests that the ability to revoke acceptance apply only to construction work, and not to specific Charging Stations. The Charging Stations will be built-to-order for NJ. Accordingly, if they are rejected, they cannot be returned to inventory. Answer: The language in Bid Solicitation Section 4.5.5 will not be revised. However, a contractor will be able to charge a return shipping fee and a restocking fee to the Using Agency, in accordance with Bid Solicitation Section 4.7. Bid Solicitation Section 4.7 states: <i>“The Contractor may charge a restocking fee for products ordered in error by the Using Agency and returned by the Using Agency. Return shipping fees will be at the Using Agency expense for products ordered in error. An Agency-Use Price Line (Price Line 8) will be added to all Contracts to allow for the Using Agency payment of these restocking fees and return shipping charges.”</i> A contractor may state any restocking fees and/or return shipping fees in its mini-bid response to the Using Agency. Please refer to Bid Solicitation Section 4.15.
25	Section 4.8 Delivery Requirements	Question: FreeWire would strongly prefer to have title transfer occur on an EXW basis. However, FreeWire is happy to arrange for shipping to a location of New Jersey's preference, and will cover damage in transit under FreeWire's warranty program. Answer: The language in Bid Solicitation Section 4.8 will not be revised. As per Bid Solicitation Section 4.8 states, in pertinent part: <i>“Prices for items in Quotes shall be submitted Freight On Board (F.O.B.) Destination...The State reserves the right to reject any material which is damaged or delivered or received in an otherwise unacceptable condition. Any changes incurred due to damaged materials shall be the responsibility of the Contractor.”</i>
26	Section 4.9 Warranty	Question: FreeWire provides a Standard Limited Warranty with a duration of 3 years with the option to purchase an additional two years. This warranty appears to satisfy New Jersey's requirements. We will provide the Warranty documentation.

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
		Answer: There does not appear to be a question posed here. The contractor shall follow the warranty requirements listed in the T3138 Bid Solicitation. As stated in Bid Solicitation Section 4.9: <i>“Extended warranties may be offered and included in the Contractor’s price list /catalog.”</i>
27	Section 4.13 Replacement of Unsatisfactory Product	Question: FreeWire requests that this obligation be limited to instances where the product is defective and/or it is not the proper configuration / SKU. All other performance issues will be subject to Warranty repair, which may include, but does not necessitate, product replacement. Answer: The language in Bid Solicitation Section 4.13 will not be revised. Bid Solicitation Section 4.13 refers to the initial delivery and inspection of the unit, prior to the Using Agency’s final acceptance of the product and prior to any installation (if applicable). After the Using Agency’s acceptance of the unit and after the unit is installed, should a performance issue arise with the contracted unit, the issue would be handled as a warranty repair. Bid Solicitation Section 4.13, states, in pertinent part (emphasis added in bold): <i>“In the event the product delivered does not meet the approved product specifications or is damaged prior to or at the time of delivery, as determined by the Using Agency, the Contractor shall immediately remove and replace the unsatisfactory product, at no cost to the Using Agency.”</i>
28	Section 5.4 Ownership of Material	Question: FreeWire requests a license to use the data generated by the Charging Stations as set forth below: Collected Data License. Using Agency hereby grants to Contractor a perpetual, irrevocable, royalty-free, fully-paid, non-exclusive license in (i) data and information submitted by or for Using Agency to Contractor through any means, including any and all data collected by the products (Collected Data); (ii) all knowledge and insights resulting from Contractor's processing of Collected Data whether by automated systems or personnel (which includes, without limitation, including any embedding in, modification to or enhancement of any machine learning system or process as a result thereof or in connection therewith), and; (iii) the content of all communications, feedback and communications provided by Using Agency to Contractor , directly or indirectly, whether in written or oral form: (I) to incorporate into, utilize in or with any products or upgrades or modifications thereto, or any other services or other offering of Contractor, including future versions of Contractor products and services; and (II) for any other lawful purpose; provided that, in connection with the foregoing (II), Contractor shall (except as expressly set forth herein) not use Collected Data in any manner that makes such Collected Data publicly available unless such Collected Data is aggregated anonymous data. Using Agency further acknowledges and consents to Contractor's monitoring and collection of Collected Data by means of the products sold hereunder. Answer: The State of New Jersey declines to change or modify the terms and conditions set forth in Bid Solicitation Section 5.4 OWNERSHIP OF MATERIAL.

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
29	Section 4.8 Delivery Requirements Section 5.6 Delivery Time and Costs	Question: FreeWire is happy to arrange for shipping subject to any reasonable requirements and conditions of New Jersey. However, shipping and handling costs are typically passed through to the buyer. Answer: All pricing offered in price lists and/or catalogs must include all shipping and handling costs. Bid Solicitation Section 4.8 states, in pertinent part: "Prices for items in Quotes shall be submitted Freight On Board (F.O.B.) Destination." Bid Solicitation Section 5.6 states, in pertinent part (emphasis added in bold): "Unless otherwise noted in this Bid Solicitation or on the State-Supplied Price Sheet, all delivery times are ninety (90) calendar days after receipt of order (ARO) and prices for items in Quotes shall be submitted Freight On Board (F.O.B.) Destination (90 calendar days ARO/F.O.B.). The Contractor shall assume all costs, liability and responsibility for the delivery of merchandise in good condition to the State's Using Agency or designated purchaser."
30	Section 7.1 Indemnification/New Jersey Standard Terms and Conditions Section 4.1, as deleted and revised under Section 7.1 of the Bid Solicitation	Question: FreeWire proposes: For or on account of the loss of life, tangible property (not including lost or damaged data) or injury or damage to the person, body or property (not including lost or damaged data) of any person or persons whatsoever, which shall arise from or result directly or indirectly from the work and/or products supplied under this Contract except to the extent caused by third party intervening factors (including the malfunction of any electric vehicle, the power grid or on-site power conditions), misuse or abuse of the equipment hereto or the negligence or more culpable conduct of any third party. Answer: The State of New Jersey declines to change or modify the terms and conditions set forth in Bid Solicitation Section 7.1 INDEMNIFICATION
31	Section 7.2.1 Cyber Breach Insurance/New Jersey Standard Terms and Conditions Section 4.2, as supplemented under Section 7.2.1 of the Bid Solicitation	Question: Please note that FreeWire currently carries \$1M in cyber insurance. We are happy to discuss increasing this limit. Answer: The State of New Jersey declines to change or modify the terms and conditions set forth in Bid Solicitation Section 7.2.1 CYBER BREACH INSURANCE Bid Solicitation Section 7.2.1 states, in pertinent part (emphasis added in bold): "The Contractor shall carry Cyber Breach Insurance in sufficient to protect the Contractor from any liability arising out of its performance pursuant to the requirements of this Contract. The insurance shall be in an amount of not less than \$2,000,000 per occurrence and in such policy forms as shall be approved by the State."
32	New Jersey Standard Terms and Conditions Section 5.4 State's Option to Reduce Scope of Work	Question: FreeWire cannot agree to the unilateral requirement to reduce the price of its products. FreeWire would prefer to include language stating that if the price required by the state is unacceptable to FreeWire, FreeWire may decline to proceed. Answer: The State of New Jersey declines to change or modify the State Standard Terms and Conditions in Section 5.4 STATE'S OPTION TO REDUCE SCOPE OF WORK. However, please note that this section 5.4 does state: "Any changes or modifications to the terms of this Contract shall be valid only when they have been reduced to writing and signed by the Contractor and the Director."

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
33	New Jersey Standard Terms and Conditions Section 5.7A Termination of Contract for Convenience	Question: FreeWire requests that termination for convenience does not terminate in-progress purchase orders, services or statements of work. Answer: The State of New Jersey declines to change or modify the State Standard Terms and Conditions in Section 5.7 TERMINATION OF CONTRACT. However, please note the language in Section 5.7 (D.) In the event of termination under this section, the contractor shall be compensated for work performed in accordance with the contract, up to the date of termination. Such compensation may be subject to adjustments in New Jersey Standard Terms and Conditions Section 5.7A, will not be revised.
34	New Jersey Standard Terms and Conditions Section 5.8 Subcontracting	Question: FreeWire would like to exempt the requirement to get pre-approval for vendors and suppliers in FreeWire's supply chain, including parts suppliers and contract manufacturers. Proposed language, to go at the end of the paragraph. <i>'Contractor's vendors, suppliers and contract manufacturers shall be exempt from the pre-approval requirements of this Section.'</i> Answer: The provisions in the New Jersey Standard Terms and Conditions Section 5.8, SUBCONTRACTING are intended to and do address a Bidder's subcontracting requirements included pursuant to section 3.14.8 SUBCONTRACTOR UTILIZATION PLAN. The prior written consent in this section does not apply to a Bidder's supply chain.
35	Section 2.1 Electronic Question and Answer Period Section 2.5 Optional Pre-Quote Conference	Question: Is there a recording of the Optional Pre-Quote Submission Conference? Answer: There is not a recording of the Optional Pre-Quote Conference. The Optional Pre-Quote Conference was an overview of the Bid Solicitation Section requirements, read verbatim. No questions were asked during the Optional Pre-Quote Conference and all callers were advised to submit any questions pertaining to the Bid Solicitation and/or the New Jersey Standard Terms and Conditions through NJSTART, in accordance with Bid Solicitation Section 2.1.
36	Section 3.11 Public Works Contractor Registration Section 3 Quote Submission Requirements Section 4.5.1 Installation for Electric Vehicle Service Equipment /Contractor Responsibilities Section 5.7 Authorized Dealer and/or Distributors	Question: Must proposing entity have contractor license in the State of New Jersey at the time of proposal to provide make ready services, or will be acceptable to propose now under the condition of obtaining license before any work commences? Answer: No, as part of the requirements in the Bid Solicitation, the proposing entity (Bidder) does not have to have a contractor's license in the State of New Jersey at the time of Quote submission. This does not preclude the Bidder and any named Subcontractors from the Public Works Contractor Registration requirements in Bid Solicitation Section 3.11. Any Dealers/Distributors must comply with the requirements of the NJ State Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq. as it applies to public work and building services performed under this procurement, in accordance with Bid Solicitation Section 5.7. If the Public Works registration requires that a Bidder or named subcontractor or dealer/distributor hold a contractor's license in the State of New Jersey, that license would need to be submitted to the Department of Labor. Bid Solicitation Section 3.11 states, in pertinent part: <i>"At the time of the Quote due date, the Bidder and Subcontractors performing public work as defined in N.J.S.A. 34:11-56.26 must be registered in accordance with the Public Works Contractor</i>

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
		Registration Act (PWCRA), <u>N.J.S.A. 34:11-56.48 et seq.</u> This registration is required for all trade categories required to perform work as listed herein.” In addition, Bid Solicitation Section 4.5.1 states, in pertinent part (emphasis added in bold): “The Contractor shall provide a copy of each electrical contractor’s license issued by the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, and Board of Examiners of Electrical Contractors to the Using Agency prior to the start of any project requiring the services of a licensed electrician.” Please read the Bid Solicitation thoroughly and refer to Bid Solicitation Section 3 for quote submission requirements.
37	Section 1.1 Purpose and Intent	Question: When and how many DCFCs does the State expect to deploy? Answer: Since this is the first time that this Bid Solicitation is being procured, the Division does not have an estimated or anticipated order quantity or spend data to provide. This will be a statewide term contract, open to State Agencies and Cooperative Purchasing Participants, and information has not been collected from these agencies and entities to determine anticipated or expected ordering practices, which includes estimated order quantities and spend. As stated in Bid Solicitation Section 1.1: <i>“The State makes no representation and provides no guarantee as to the minimum, average or maximum volume of purchases to be made under this Contract.”</i>