

BOROUGH OF HIGHLANDS
Request For Proposal
Planning, Design And Engineering Services For The Bay Avenue
Streetscaping Project

Date Issued: November 27, 2014
Return Date & Time: December 19, 2014 at 11:00 AM.
Return To: Carolyn Cummins
Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
Governing Body Action Date: January 2015
Anticipated Contract Execution and Project Initiation: January 2015

Request For Proposal From Individuals And/Or Firms
Interested In Providing Planning, Design, Engineering And Grant Administration Services
For The
Bay Avenue Streetscaping Project
In The Borough Of Highlands

The Borough of Highlands is seeking proposals from individuals and/or firms interested in providing planning, design, engineering and grant administration services for the Bay Avenue Streetscaping Project for the Borough. The Mayor and Council of the Borough of Highlands will select one or more individuals and/or firms to provide said services for the Borough. The selected individuals and/or firms shall be based upon a fair and open process, pursuant to N.J.S.A. 19:44A-20.4, et. seq. and in accordance with the Resolution previously adopted by the Mayor and Council to secure such services through a fair and open process. In order to have a proposal considered by the Mayor and Council an interested individual/firm must provide evidence that they satisfy the minimum requirements for this position, as set forth in Section 3 of this document and that they otherwise comply with the proposal requirements set forth in the Borough of Highlands's NOTICE AND SOLICITATION OF PROPOSALS section of the Borough's web site (www.highlandsnj.com).

SECTION 1 – BACKGROUND AND PURPOSE

1.0 BACKGROUND INFORMATION

Highlands, NJ, located in eastern Monmouth County, had a 2012 estimated population of 5,050. Overlooking the Shrewsbury River and Sandy Hook Bay, Highlands sits just above sea level. Bisected by NJ Route 36 into lower Highlands and upper Highlands, the Borough contains 0.64 square miles. Most of its commercial businesses lie in 2 areas along Bay Avenue. The primary business district is on Bay Avenue between Shrewsbury Avenue and Valley Avenue, a smaller business district is centered at Bay Avenue and Waterwitch Ave. Bay Avenue also includes residences, light industrial, office and service commercial. There are over 15 vacant storefronts in both sections. Historically, the downtown has been undifferentiated from other blocks of Bay Avenue.

The Borough of Highlands seeking technical and cost proposals from qualified professional engineering, planning, and landscape architecture consultants for planning, design, engineering, permitting, grant administration and construction inspection/monitoring services for the Bay Avenue Streetscape Project. The Borough has received notice from the New Jersey Economic Development Authority that it is receiving approximately \$1,463,000 in federal Community Development Block Grant funds for Disaster Recovery. Approximately \$248,000 is estimated as costs related to project delivery, construction and engineering oversight and permitting. The federal Affirmative Action goal for minority participation for this project is 60% and the goal for female participation is 6.9%. The project, including construction, must be completed and closed out by December 31, 2015. Proposals should include detailed scopes and schedules that clearly identify deliverables, review periods and scope items that are optional (with their associated costs). The Borough is requesting consultant's assistance in identifying cost-saving opportunities.

1.1 PURPOSE AND INTENT OF REQUEST FOR PROPOSAL

The purpose of the project is to prepare for the Borough of Highlands a design for streetscape improvements along portions of Bay Avenue, Water Witch Avenue and Shore Drive, assist in the selection of lowest responsible bidder, acquire required permits, inspect and monitor construction, and administer the CDBG grant. The Borough intends to hire a professional engineering, planning, and landscape architecture firm who will provide the technical assistance to complete this work.

1.2 CONTENTS OF THE PROPOSAL

This project – placemaking in Highlands through the design and implementation of a downtown streetscape – will capitalize on the distinctiveness and the uniqueness of place that is Highlands. It will replace old and cracked sidewalks and curbs, install pedestrian-scale street lights, install appropriate street trees, install bike racks, create well defined crosswalks, and install street furniture such as benches and trash receptacles. All of the proposed improvements are located in commercially zoned areas.

There are 2 commercial areas in the borough that are funded for streetscape improvements. The first is along Bay Avenue, generally from Shrewsbury Ave. to Valley Ave. The construction cost for this area is estimated to be \$606,000.00 (excluding permitting). The second is along Bay Ave. from Washington St. to Central Ave., along Water

Witch Ave from Bay Ave. to Shore Dr., and along Shore Dr. near Water Witch Ave. The construction cost for this area is estimated to be \$608,700.00 (excluding permitting).

Bay Ave. and Water Witch Ave. are both under the jurisdiction of Monmouth County, and coordinating with Monmouth County will be required.

The proposal to prepare a streetscape design for the Borough shall incorporate the tasks and deliverables listed in Section 2.0 Scope of Work. All contract deliverables must be completed within a six (6) month contract term.

Any awards made through the EDA Streetscape Revitalization Grant program will be subject to the Community Development Block Grant Disaster Recovery (CDBG-DR) regulations and the New Jersey DCA CDBG-DR Action Plan, as approved by the United States Department of Housing and Urban Development (HUD).

1.3 COLLABORATIONS AND SUBCONTRACTS

Any proposal that relies on collaboration between consultants, who are not formally affiliated, must include a signed copy of the agreement between the authorized signatories of the parties to the proposal. Any subcontractors to be engaged by the entity preparing the proposal must be identified in the proposal.

SECTION 2 SCOPE AND FEES

2.0 SCOPE OF WORK

The proposal to prepare a streetscape design, construction inspection and monitoring, and grant administration shall incorporate the tasks listed below and the deliverables listed below. The Plan and all contract deliverables must be completed within a six (6) month time frame.

Task A. Project Coordination

The consultant will undertake initial project organization, including a kick-off meeting with Borough representatives, and provide a schedule with relevant tasks, deliverables and dates.

Task B. Project Tasks

1. The selected professional consultant shall develop design plans for the “Bay Avenue Streetscape Project” in coordination and consultation with Borough officials using all applicable federal and state standards and guidelines, including the NJDOT’s Roadway Design Manual, NJDOT’s Bicycle and Pedestrian Facilities Design Guidelines, the Americans with Disabilities Act Access Guide (ADAAG), the American Association of State Highway and Transportation Officials (AASHTO) design standards, the National Association of Borough Transportation Officials (NACTO) Urban Street Design Guide and Urban Bikeway Design Guide, the Manual on Uniform Traffic Control Devices (MUTCD), and Highlands Intra Borough Bicycle Plan.
2. The consultant shall work closely with the Borough officials for the duration of this project.
3. The consultant shall meet with Borough officials and the Monmouth County engineer on a monthly basis during the design phase of this project and prepare and distribute meeting notes for the same.
4. The consultant shall analyze, evaluate and field check the existing conditions of each intersection and each street segment adjoining the respective intersection. A basemap shall be created for the project area, and all relevant existing conditions shall be mapped for the entire project area.
5. For each intersection, the consultant shall conduct a topographic survey and sufficient soil testing to determine drainage patterns as necessary to guide the most effective green infrastructure solutions and design of ADA ramps.
6. The consultant shall analyze, evaluate and field check the existing condition of each catch basin to make sure each inlet is “bicycle friendly” and complies with N.J. stormwater management regulations. Those inlets which are non-compliant shall be included for replacement.

7. The consultant shall analyze, evaluate and field check each street corner to make sure that each handicapped accessible ramp complies with ADA design standards. Those existing ADA curb ramps that do not comply with such standards shall be redesigned to comply.
8. The consultant shall design traffic calming pedestrian safety upgrades for all intersections, including high-visibility crosswalks and stop-for-pedestrian signs,
9. The consultant shall produce engineering construction drawings and striping plans for the length of the corridor and each intersection extending 50' beyond the curblines to the north and south. The drawing shall include all proposed improvements, including but not limited to intersection improvements, street tree improvements, banners, and street furniture, and all bicycle facilities in conformance with Highlands Intra Borough Bicycle Plan (available on the Borough's website), current Borough standards, and the NACTO Urban Bikeway Design Guide.
10. The consultant shall furnish all preliminary and final plans, specifications, cost estimates and project delivery schedules for review and approval by Borough officials in print, PDF, and editable format (i.e. Word, Excel, CAD format).
11. The consultant shall assist the Borough prepare bid documents and shall provide bid tabulations and analysis to recommend the lowest responsible bidder for contract award.
12. The consultant shall perform all construction administration, inspection and monitoring services.
13. The consultant shall complete all state and federal paperwork and reports to facilitate the successful completion of the project for reimbursement to the Borough.
14. The consultant shall begin work immediately after award of contract by Borough Council.

TASK C: Meetings

This project envisions significant public input as part of the design process. In addition, the meetings phase will include at least six (6) meetings with the Borough.

TASK D: Monthly Reporting to NJ Economic Development Authority.

The consultant will submit monthly reports to the NJ Economic Development Authority pursuant to its requirements and provide the appropriate documentation to comply with the state regulations for the grant award.

DELIVERABLES

- Meeting notes from monthly meetings;
- Preliminary and final plans, specifications, estimates and schedule(s);
- Bid tabulation(s) and recommendations for lowest responsible bidder(s);
- Completion of state and federal grant reports (as necessary);
- Recommendation of monthly pay vouchers to contractors;
- Closeout documents for final grant reimbursement to city; and
- All other documents as may be deemed necessary for project.

2.1 CONSULTANT FEE

Interested parties should submit a fee proposal, itemized by task, with hourly rates for staff that will be working on this project.

SECTION 3 SUBMISSION REQUIREMENTS AND DEADLINE

3.0 SUBMISSION REQUIREMENTS

The following information shall be included in the Proposal:

- a) RFP Title Page
- b) Name of firm, individual or institution submitting proposal
- c) Professional credentials of all individuals working on project
- d) Resume of project manager and contact information

- e) Proposed scope of work
- f) Proposed fee for all deliverables broken down by task and staff person performing task
- g) Timetable for project deliverables
- h) Completion date for all deliverables
- i) Examples of similar work products – up to three
- j) Copy of collaboration/subcontract agreements, if applicable
- k) Firm, individual or institution ownership information
- l) Budget
- m) Completed forms (Proposal, Proposals Submission Checklist, Notice/Revision or Addenda Receipt Acknowledgement, Consent of Surety, Disclosure of Ownership, Non-Collusion Affidavit, List of Subcontractors, Bidders Certification, NJ Disclosure of Investment Activities in Iran)

3.1 PROPOSAL SUBMISSION AND DEADLINE

An original, one “hard” copy and one digital copy of the proposal shall be submitted no later than December 19, by 11:00 AM EST. All proposal submittals should be delivered by hand, first class mail or via email by the referenced due date to the contact person specified below.

Carolyn Cummins
Borough Clerk
Borough of Highlands
42 Shore Drive
Highlands, New Jersey 07760
ccummins@highlandsborough.org

Please note that any State or Federal suspension, debarment, or disqualification action against a consultant or any member of the consultant’s team will render them ineligible to participate in this project.

Proposals are considered public information, except as may be exempted from public disclosure by the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the common law.

SECTION 4 SELECTION OF CONSULTANT AND CRITERIA

4.0 SELECTION OF CONSULTANT

All proposals will be reviewed by a Review Committee consisting of borough elected officials and staff.

4.1 SELECTION CRITERIA

The selection criteria to be used in awarding a contract for the services described herein shall include:

1. Qualifications of the individuals who will perform the tasks and the amounts of the respective participation;
2. Experience in providing the planning, design, engineering, construction inspection and monitoring, and grant administration services requested by the Borough and references related thereto;
3. Ability to perform the tasks in a timely fashion, including staffing and familiarity with the subject matter and Borough;
4. Fee amount;
5. Thoroughness and completeness of the applicant’s submittal;

The proposal selected by the Borough will be subject to the acceptance of a mutually agreeable contract. The Borough reserves the right to award a contract to undertake all or a portion of the tasks outlined above or to reject all proposals.

Proposals are being solicited through a fair and open process in accordance with N.J.S.A. co. 19:44A-20.2 et seq. and as such, Contractors are exempt from the limitations on making political contributions under that law. Further, for that reason, as well as because of language in the New Jersey Annual Appropriations Act, refusal to disclose campaign contributions otherwise required by N.J.S.A. 19:44A-20.2 et seq. and 19:44A-20.25 et seq. will not adversely affect your consideration for award.

Certification of Non-Involvement in Prohibited Activities in Iran. Pursuant to N.J.S.A. 52:32-58, the proposer must certify that neither the proposer, nor one of its parents, subsidiaries, and/or affiliates (as defined in N.J.S.A. 52:32-56 (e) (3)) is listed on the Department of the Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither is involved in any of the investment activities set forth in N.J.S.A. 52:32-56. If the proposer is unable to so certify, the proposer shall provide a detailed and precise description of such activities.

Note: Complete and submit only the loose (*unbound*) copy of this Proposal.

PROPOSAL

BY

BIDDER'S NAME: _____

BIDDER'S ADDRESS: _____

TELEPHONE NO. _____ FAX NUMBER _____

E-MAIL ADDRESS (optional) _____

FEDERAL TAX I.D. NO. _____

(SS NUMBER FOR SOLE
PROPRIETOR)

TO

OWNER'S NAME: BOROUGH OF

OWNER'S ADDRESS: _____

FOR

PROJECT NAME:

The UNDERSIGNED, as BIDDER, declares 1) that the only persons or parties interested in this proposal as principals are named herein; 2) that this proposal is in all respects fair and without collusion or fraud; 3) that no officer or employee of the OWNER is directly or indirectly interested in this bid or the work of this contract or in any portions of the profits thereof; 4) that the BIDDER has carefully examined and accepts the proposed Forms of Contracts and the Information for Bidders, Notice to Contractors, General Conditions, and Specifications Special Provisions; 5) that the BIDDER or a representative has made an inspection of the site and is familiar with the proposed work; 6) and that the BIDDER proposes and agrees that if this proposal is accepted, the BIDDER will contract with the above-named OWNER, in the form of contract hereto annexed, to provide the necessary machinery, tools, apparatus, and other means of construction, and to furnish all the materials, equipment and labor specified in the contract in the manner and time therein specified, according to the requirements of the Engineer as therein set forth, and 7) that the BIDDER will take in full payment therefor the prices set forth in this Proposal.

PROPOSAL SUBMISSION CHECKLIST

(Pursuant to NJSA 40A:11 – 23.2)

The undersigned BIDDER declares that the required documents, as noted below, have been completed, reviewed and/or executed by the BIDDER and are submitted as part of this proposal.

<u>DOCUMENT</u> <u>REQUIRED</u>	<u>DESCRIPTION OF</u> <u>DOCUMENT</u>	<u>BIDDER'S</u> <u>INITIALS</u>
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Failure to submit any of the following documents with the Proposal will mandate rejection of the bid.

- [x] Notice, Revision or Addenda Receipt Acknowledgement Form _____

- [x] Form of Proposal, completed & signed by appropriate authorized representatives of BIDDER. _____

- [x] A Statement (disclosure) of Ownership pursuant to NJSA 52:25-24.2. _____

- [] A Bid Guarantee (bid bond or equivalent) pursuant to NJSA 40A:11-21. _____

- [] A surety company certificate (Consent of Surety) pursuant to NJSA 40A:11-22. _____

- [] A Listing of Subcontractors pursuant to NJSA 40A:11-16. _____

- [] A copy of each listed Subcontractor's Certificate of Registration pursuant To NJSA 52:32-44 et. Seq. (Contractor Business Registration Act) _____

Failure to submit any of the following documents with the Proposal will be cause for rejection of the bid unless waived by the OWNER (IB.11), subject to the standard of materiality established by Township of River Vale v. R.J. Longo Construction Co., 127 N.J. Super. 207, 216 (Law Div. 1974).

- A Non-Collusion Affidavit. _____

- Evidence of Registration for the bidder pursuant to NJSA 34:11-56.48, et seq. (Public Works Contractor’s Registration Act) _____

- Bidder’s Buy American Certification pursuant to the American Recovery and Reinvestment Act of 2009. _____

- A Statement of Experience & Qualifications on the forms provided. _____

- Disclosure of Investment Activities in Iran _____

- New Jersey Business Registration Certificate _____

NOTICE, REVISION OR ADDENDA

RECEIPT ACKNOWLEDGEMENT FORM

(Pursuant To Public Law 1999, Chapter 39)

Bidder's
Initials

[] No revisions and/or Addenda were received.

The BIDDER acknowledges receipt of the below listed revisions and/or addenda:

Notice, Revision or

<u>Addendum No.</u>	<u>Date</u>	<u>Bidder's Title or Description</u>	<u>Initials</u>
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_____	__/__/_____	_____	_____
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_____	__/__/_____	_____	_____
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_____ / / _____

_____ / / _____

_____ / / _____

CONSENT OF SURETY

In consideration of the premises and of one Dollar (\$1.00), lawful money of the United States, it is in hand paid by the CONTRACTOR, the receipt whereof is hereby acknowledged, the undersigned surety consents and agrees that if the contract, for which the preceding estimate and proposal is made, be awarded to the person or persons submitting the same as contracted, it will become bound as surety and guarantor for its faithful performance, in an amount equal to one hundred percent (100%) of the contract price, and will execute it as party of the third part thereto when required to do so by the OWNER, and if the said CONTRACTOR shall omit or refuse to execute such contract, if so awarded, it will pay without proof of notice and on demand to the OWNER any increase between the sum to which the said CONTRACTOR would have been entitled upon the completion of the said contract and the sum which the said OWNER may be obligated to pay to another contractor to whom the contract may be afterwards awarded, the amount in such case to be determined by the bids plus the cost, if any, of re-advertising for bids for this work, less the amount of any certified check or bid bond payable and received.

In witness whereof, said surety has caused these presents to be signed and attested by a duly authorized officer and its corporate seal to be hereto affixed this _____ day of 20_.

(A corporate acknowledgement and statement of authority to be here attached by the surety company).

(Surety Company)

BY: _____

Surety Company

Attorney-in-Fact

Attest:

(Surety may substitute a similar statement subject to the OWNER'S approval).

DISCLOSURE OF OWNERSHIP

(If bidder is a Sole Proprietorship check

here (___) and do not complete this statement)

The UNDERSIGNED, as bidder, in accordance with N.J.S.A. 52:25-24.2 (P.L. 1977, Chapter 33), declares and submits this Statement of Ownership.

Bidder is a Corporation () Partnership () Joint Venture ()

These are all shareholders or partners owning 10% or more of the stock or interest in the bidding corporation or partnership.

Full Name of Individual <u>(Stockholder)(Partner)</u>	Address of Individual <u>(Stockholder)(Partner)</u>	Share(%) <u>Owned</u>
1. _____	_____	_____

2. _____	_____	_____

3. _____	_____	_____

4. _____	_____	_____

Portion owned by minority owners (less than 10%) not listed

TOTAL

100%

Print or Type Name and Title of Affiant

Authorized Representative of Bidder

Subscribed and Sworn Before

Me this _____ day of _____, 2____.

Signature of Affiant

(Notary Public)

(Corporate Seal)

If Applicable

My Commission Expires:

Notes:

1. Attach additional sheets in this format, if necessary.
2. The terms Corporation and Partnership encompass all forms, including, but not limited to Limited Partnerships, Limited Liability Corporations or Partnerships and Subchapter S Corporations.
3. If a corporation or partnership is shown as a greater than 10% owner, attach similar breakdown of (“its”) individual owners.
4. For a Joint Venture, provide a Disclosure in this format for each participant.

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY :

: SS.

COUNTY OF :

I, _____, of the _____ of _____

in the County of _____ and State of New Jersey, of full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____, the bidder making the Proposal for the above named project, and that I executed the said Proposal with full authority so to do; that said bidder has not, directly or indirectly, entered into an agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said Proposal and in this Affidavit are true and correct, and made with full knowledge that the OWNER relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

BY: _____

Subscribed and sworn to

before me this _____
day of _____, 20____

Notary Public of New Jersey

My Commission Expires: _____.

LIST OF SUBCONTRACTORS

In accordance with NJSA 40A:11-16, the bidder will set forth below the names, addresses and, if applicable, license numbers of the subcontractors to whom the bidder will subcontract work in the categories listed in connection with the erection, alteration or repair of any public building and the related site work.

<u>WORK</u>	<u>SUBCONTRACTOR</u>
1. Plumbing and gas fitting and all kindred work.	Name: _____ Address: _____ _____ License No. _____ Expires: _____
2. Steam and hot water heating and _____ ventilating apparatus, steam power plants and kindred work.	Name: _____ Address: _____ _____ License No. _____ Expires: _____
3. Electrical work.	Name: _____ Address: _____ _____ License No. _____ Expires: _____
4. Structural steel and ornamental iron work.	Name: _____ Address: _____ _____ License No. _____ Expires: _____

If the "Document Required" box is checked on the Proposal Submission Checklist for the item "Evidence of Registration....," evidence of registration pursuant to NJSA 34:11-56.48 et seq., for all subcontractors listed must be submitted prior to award of a Contract.

NOTE: If the BIDDER will not subcontract the work described in any category above but will complete it as prime contractor, it is not necessary to name a subcontractor. In such case, the BIDDER should insert "prime contractor" in the subcontractor name space. If more than one subcontractor will be utilized in any category, attach a certificate signed by the BIDDER listing each subcontractor named in the bid for that category. The certificate shall set forth the scope of work for which the subcontractor has submitted a price quote and which the BIDDER has agreed to award to each subcontractor should the BIDDER be awarded the contract. The certificate shall be submitted to the contracting unit simultaneously with the list of the subcontractors (attached to the Proposal). The certificate may take the form of a single certificate listing all subcontractors or, alternatively, a separate certificate may be submitted for each subcontractor.

Each of the above subcontractors shall be qualified in accordance with 40A:11-1 et seq. The OWNER shall require evidence of performance security to be submitted with this proposal. Evidence of performance security may be supplied by the BIDDER on behalf of the BIDDER and any or all subcontractors, or by each respective subcontractor, or by any combination thereof which results in evidence of performance security equaling, but in no event exceeding, the total amount bid. If separate evidence of performance security will be submitted by any subcontractor, the bid shall be accompanied by a separate certificate from a surety company in accordance with NJSA 40A:11-22.

BIDDERS CERTIFICATION

Accompanying this Proposal is a Consent of Surety and a Bid Guarantee, in the form of a Bid Bond (), or a Certified or Cashier's Check (), payable to the order of the _____ in the sum of _____ Dollars \$ _____ which the undersigned agrees is to be forfeited as liquidated damages, and not as a penalty, if the Contract is awarded to the undersigned and the undersigned shall fail to execute the Contract or furnish the Bond required within the stipulated time, otherwise, the Bid Guarantee will be returned to the undersigned.

_____ corporation

The undersigned is an individual under the

_____ partnership

Laws of the State of _____ having principal offices at _____

Trade Name of Bidder _____

1. Signed By _____
Signature _____
Title _____

2. Signed By _____
Signature _____
Title _____

3. Signed By _____
Signature _____

Title _____

Signed this _____ day of _____, 20____

ATTEST:

(SEAL)

NOTE: This proposal may only be signed by:

1. If a Partnership, all General Partners.
2. If a Corporation, the President and at least one other officer.
3. If a Sole Proprietorship, the Proprietor.
4. An authorized agent of the Bidder. In this case evidence that the agent is authorized to bind the Bidder, in the form of a Power-of-Attorney or equivalent document, for the Partnership, Corporation or Sole Proprietorship must accompany the Bid.

Attach additional signature sheets in similar form, if necessary.

STANDARD BID DOCUMENT REFERENCE	
	Reference: VII-A
Name of Form:	AFFIRMATIVE ACTION COMPLIANCE NOTICE
Statutory Reference:	N.J.S.A. 10:5-31 (P.L 1975, c.127) and N.J.A.C 17:27-1 et seq.
Instructions Reference:	Statutory and Other Requirements VII-A-1
Description:	To assure vendor compliance with State affirmative action requirements.

Each contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

1. A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter); or
2. A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4; or
3. A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

This form provides the bidder guidance on the requirements. It is advisory in nature only and is a non-mandatory, waiveable form.

For information on the requirements of the Affirmative Action Law, contact:

Division of Contract Compliance & Equal Employment Opportunity in Public Contracting

Department of the Treasury

State of New Jersey

P.O. Box 209

Trenton, NJ 08625-0209

609-292-5473

E-mail: www.state.nj.us/treasury/contract_compliance/ccmail.html

The Affirmative Action Compliance Notice on Page C-10 is a sample.

AFFIRMATIVE ACTION COMPLIANCE NOTICE

N.J.S.A. 10:5-31 and N.J.A.C. 17:27

GOODS AND SERVICES CONTRACTS

(INCLUDING PROFESSIONAL SERVICES)

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

COMPANY: _____

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

STANDARD BID DOCUMENT REFERENCE	
	Reference: VII-A-1
Name of Form:	MANDATORY AFFIRMATIVE ACTION LANGUAGE FOR GOODS AND SERVICES (INCLUDING PROFESSIONAL SERVICES) CONTRACTS
Statutory Reference:	N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.
Instructions Reference:	Statutory and Other Requirements VII-A-1
Description:	Exhibit A of Bid Specification

Exhibit A of the model Instructions to Bidders and Statutory Requirements is the current and complete mandatory language for goods and services (including professional services) bid specifications and contracts. Section VII-A-1 of the Instructions summarizes the requirements and refers bidders to the full text.

The document is the mandatory language for goods and services bid specifications and contracts pursuant to N.J.A.C. 17:27-3.4, and the mandatory bid specification and contract language for employment goal compliance for goods and services at N.J.A.C. 17:27-3.6. A complete review of both rule provisions is recommended.

Please note that Exhibit A does not apply to construction contracts. There is a different document, Exhibit B, for such contracts.

Exhibit A can be found on Pages 28-29.

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)

N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

STANDARD BID DOCUMENT REFERENCE	
	Reference: VII-B
Name of Form:	MANDATORY LANGUAGE – AMERICANS WITH DISABILITIES ACT OF 1990
Statutory Reference:	Title II of the Americans with Disabilities Act of 1990 (42 <u>U.S.C.</u> S121 01 et seq.)
Instructions Reference:	Statutory and Other Requirements VII-B
Description:	The Act prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities.

The federal Americans with Disabilities Act of 1990 requires bid specifications and contracts to contain language that prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities.

Appendix A can be found on Page 31.

APPENDIX A

AMERICANS WITH DISABILITIES ACT OF 1990

Equal Opportunity for Individuals with Disability

The contractor and the _____ of _____, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. 5121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim, If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law

**STATE OF NEW JERSEY – DIVISION OF PURCHASE AND PROPERTY
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

Quote Number: _____ Bidder/Offeror: _____

PART 1: CERTIFICATION

BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.

FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE PROPOSAL NON-RESPONSIVE.

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive. If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party

PLEASE CHECK THE APPROPRIATE BOX:

I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

OR

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.

Name _____	Relationship to Bidder/Offeror _____
Description of Activities _____ _____	
Duration of Engagement _____	Anticipated Cessation Date _____
Bidder/Offeror Contact Name _____	Contact Phone Number _____

ADD AN ADDITIONAL ACTIVITIES ENTRY

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____ Signature: _____

Title: _____ Date: _____