

**BOROUGH OF HIGHLANDS
REQUEST FOR PROPOSAL
PLANNING AND ENGINEERING SERVICES FOR THE
PREPARATION OF A LOCAL HAZARD MITIGATION PLAN**

Date Issued:	February 17, 2015
Return Date & Time:	March 10, 2015 at 11:00 AM.
Return To:	Carolyn Cummins Borough of Highlands 42 Shore Drive Highlands, NJ 07732
Governing Body Action Date:	March 18, 2015
Anticipated Contract Execution and Project Initiation:	March 31, 2015

**REQUEST FOR PROPOSAL FROM INDIVIDUALS AND/OR FIRMS
INTERESTED IN PROVIDING PLANNING AND ENGINEERING SERVICES
FOR THE
PREPARATION OF A LOCAL HAZARD MITIGATION PLAN FOR THE BOROUGH OF
HIGHLANDS**

The Borough of Highlands is seeking proposals from individuals and/or firms interested in providing planning and engineering services for the preparation of a local hazard mitigation plan 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. The borough was significantly impacted by Superstorm Sandy, with over 1,200 buildings receiving damage from the storm surge and coastal flooding, numerous commercial district structures rendered uninhabitable, severe damage to infrastructure, and its impacts are still being felt. The catastrophic nature of the storm created numerous issues related to land development, future development, redevelopment, mitigation of future storms and overall resiliency. In addition, estimates of sea level rise in this coastal region have added another layer of mitigation issues that need to be addressed.

According to the information on NFIP payouts in the Repetitive Loss database held by the state of New Jersey (which includes all properties classified as repetitive loss properties), as of October 2103, there were 219 repetitive loss claims payments totaling \$22,245,628 made to properties in Highlands, concentrated within the low-lying coastal areas of the Borough. This included 187 single-family severe repetitive loss property claims that totaled over \$15.6 million.

The Borough undertook the development of a Strategic Recovery Planning Report (SRPR) as a result of Superstorm Sandy that identified several highest priority studies and plans that were needed, and one of these is a local mitigation plan. This SRPR also included a robust risk assessment that mapped the projected impact of sea level rise on a parcel basis as well as a Getting to Resilience Report that reviewed the Borough's procedures, policies, regulations and planning documents for resiliency and made specific recommendations for them. In addition, the County of Monmouth is just completing a draft of a Multi-Jurisdictional Natural Hazard Mitigation Plan that includes Highlands. These recent studies and plans provide an opportunity for the Borough to prepare a local plan that will build upon this other work and allow it to focus in more detail on selected hazards.

The Borough, in cooperation with state and federal agencies, is undertaking undertaken numerous flooding mitigation projects, including stormwater management, revising building codes, encouraging the elevation of houses, NFIP compliance and CRS certification (not yet applied for), early warning communication systems, and other actions.

The Borough Planning Board is seeking the assistance of an individual or firm **licensed by the State of New Jersey as Professional Planners and AICP certified** to provide professional planning and engineering services for the preparation of a local hazard mitigation plan.

The Borough of Highlands anticipates receiving a grant through the New Jersey Department of Community Affairs for the development of such a plan.

1.1 PURPOSE AND INTENT OF REQUEST FOR PROPOSAL

The purpose of the project is to prepare for the Borough of Highlands an innovative hazard mitigation plan that will be consistent with relevant FEMA regulations, as well as integrate with the County of Monmouth's Plan. It is anticipated that this local plan will use the County's draft plan as a starting point, update and modify it as necessary for the Borough, and provide innovative, actionable and feasible mitigation strategy recommendations at the municipal level. An enhanced risk assessment (including potential impacts of sea level rise and increased coastal

flooding, landslides and other high risk hazards) and an analysis of capabilities (available and/or needed) of the Borough in order to undertake recommended mitigation strategies should be the focus for this effort. The local Hazard Mitigation Plan (HMP) will serve as the guiding document for actions by the Borough regarding mitigation of natural hazards. It is also anticipated that the completed local plan will be integrated into the County's Plan as an Annex.

The Borough intends to hire a professional planner or planning firm who will provide the technical assistance to complete this plan and present it for action to the Borough Council. An appointed steering committee, consisting of elected officials and staff, shall work with the selected consultant throughout the process.

This Scope of Services incorporates provisions of FEMA's Local Mitigation Plan Review Guide (FEMA, October 1, 2011). The consultant will work with the appropriate state and county agencies and FEMA to ensure that the hazard mitigation plan is consistent with the Local Mitigation Planning Handbook (March 2013) and the Local Mitigation Plan Review Tool used by NJOEM and FEMA.

1.2 CONTENTS OF THE PROPOSAL

The successful bidder will provide a proposal that will allow the Borough to expeditiously determine its course of action. Previous relevant experience with municipal hazard mitigation planning should be highlighted.

The proposal to assist the Borough to prepare a local HMP shall incorporate the tasks and deliverables listed in Section 2.0 Scope of Work and Components of Plan. The Plan and all contract deliverables must be completed within a 10 (ten) month contract term.

Any awards made through the Post Sandy Planning Assistance 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

The proposal to assist the Borough to prepare a local HMP shall incorporate the tasks listed below and the deliverables listed below. The Plan and all contract deliverables must be completed within a ten (10) month contract term.

Data and records for this plan are to be obtained and reviewed by the selected consultant. These may include Borough tax assessment, building, housing, fire, health, planning and zoning applications as applicable; aerial photos and maps including available state and county GIS data; Monmouth County Office of Emergency Management and Office of Emergency Management (NJOEM) data.

The Borough has recently completed a Strategic Recovery Planning Report (SRPR) that includes a Getting to Resilience Report, both of which contain some of the above information; in addition, Monmouth County has released a draft of its Multi-Jurisdictional Natural Hazard Mitigation Plan, which contains relevant data and

information. The Borough will assist where necessary in obtaining these records, background data and information, but it is the responsibility of the consultant to collect and analyze this information.

Task A. Project Coordination

The consultant will undertake initial project organization, including a kick-off meeting with the Borough's appointed steering committee (who will fill the role of the Local Planning Committee), and provide a schedule with relevant tasks, deliverables and dates.

Task B. Project Tasks

B.1. PLANNING PROCESS – The selected consultant will document the hazard mitigation planning process, including but not limited to:

- How the plan was prepared
- How the public was involved (i.e. workshops, community outreach)
- Who was involved as part of a Local Planning Committee (LPC), the roles and responsibilities of each committee member and how they contributed to the process.
- Integration of other related plans and documents.

B.2. RISK ASSESSMENT (HAZARD IDENTIFICATION AND VULNERABILITY)

Much of the information that is required for certain hazards such as sea level rise, storm surges and coastal flooding, and for the related risk assessment has already been documented and can be found in the Strategic Recovery Planning Report (SRPR) (which includes the Getting to Resilience Report).

This section will include:

- a) **HAZARD IDENTIFICATION:** The selected consultant will develop a description and prioritization of the natural hazards that have occurred within the borough. The natural hazards categories include, but are not limited to:
- Flood-Related Hazards (river flooding, coastal flooding, erosion, winter storms and hurricanes) that include, at a minimum, flood hazard areas as defined by FEMA in the Flood Insurance Rate Maps (FIRMs) for the jurisdiction as well as local historical data.
 - Wind-Related Hazards (hurricanes, coastal storms, winter storms, tornadoes) based on information provided by the National Weather Service and/or New Jersey and Monmouth County Hazard Mitigation Plan.
 - Fire-Related Hazards (drought, wildfires) based on local historical data, the National Weather Service, New Jersey and Monmouth County Hazard Mitigation Plan, and/or other applicable plans/sources.
 - Geologic Hazards (earthquakes, landslides, sink holes) based on local historical information, New Jersey and Monmouth County Hazard Mitigation Plan, and/or other applicable plans/sources..
 - Other Hazards not listed above as determined by local history and experience.

b) **HAZARD MAPPING:** Using the best available, existing data the selected consultant will develop a base map of areas affected by multiple natural hazards. In conjunction with mapping, the selected consultant will develop or otherwise obtain a comprehensive inventory (database) for use in developing map data layers, of the following items relative to the multiple hazard area:

- i) Critical facilities, including, but not limited to the following:
- a) emergency operations center, police/fire stations
 - b) emergency shelters
 - c) water and wastewater treatment plants and associated pumping stations
 - d) power generation, transmission, and delivery facilities.
 - e) special population centers, such as day-care facilities and elderly housing
 - f) hazardous material facilities
 - g) evacuation routes
- ii) All repetitive flood loss and substantial damage structures, as defined by FEMA, if applicable.

- iii) Maps that depict the location of structures, land use, and population.
- iv) Structures will be delineated by use (e.g. residential, commercial, industrial, institutional, other)

c) **VULNERABILITY ASSESSMENT:** Based on the previous information, as well as other available reports such as the SRPR and the County’s draft Plan, the selected consultant will develop an overview of the borough’s vulnerability to specific hazards. This vulnerability assessment, if possible, will include:

- Types and numbers of buildings, infrastructure, and critical facilities located in the identified hazard areas.
- All existing multiple hazard protection measures within the borough, including protective measures under the National Flood Insurance Program (NFIP).
- A description of each measure and the method of enforcement and/or the point of contact responsible for implementation of each measure.
- Historical performance of each measure and a description of improvements or changes needed.
- General description of land uses and development trends to incorporate future land use decisions.

B.3. MULTIPLE HAZARD MITIGATION STRATEGY

Selected consultant will develop local mitigation strategies specific the borough’s exposure and impacts by identified natural hazards. The strategy will include:

- i) A list of mitigation goal statements that focus on reducing the risks from the identified natural hazards.
- ii) A section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure. This section will include a list of prioritized hazard mitigation projects that best meet the borough’s need for multiple hazard damage reduction.
 - a. These projects may be non-structural (e.g.: planning, regulatory measures, property acquisition, retrofitting, elevation) or structural (e.g.: seawalls, bulkheads) solutions.
 - b. At a minimum, this list of prioritized projects will be based on a process that results in identification of cost effective hazard mitigation projects with public input, including:
 - i. An analysis of proposed mitigation projects focused on several key areas, including but not limited to: economic (including benefits and cost, and fiscal impact to municipality), engineering, technical, legal, environmental, social, and political feasibility. Selected options will best fit the borough’s needs and meet most or all aspects of the feasibility analysis.
 - ii. Coordination with relevant Federal, State and County agencies for input and technical assistance.
- iii) an identification and analysis of the capabilities and capacity of the Borough to undertake these mitigation strategies, and recommendations for how those capabilities and capacities might be enhanced, if necessary.
- iv) how the recommendations should be incorporated into existing planning documents and processes, and ordinances.
- v) an implementation schedule with procedures for ensuring the plans’ implementation, updating and revision.

B.4. **PLAN MAINTENANCE** – the selected consultant will develop a document will describe the process to be used after the plan is adopted and approved to:

- Incorporate the goals and actions of the mitigation plan into other available mechanisms and/or plans for implementation;
- Provide for continued public involvement;
- Monitor and evaluate the plan and its implementation; and
- The method and schedule for future required plan updates.

TASK C: Meetings

The meetings phase will include at least ten (10) meetings with the Borough, which may include the Borough Council. Monthly meetings with the local planning committee and four public meetings are anticipated.

TASK D: Monthly Reporting to NJ Department of Community Affairs.

The consultant will submit monthly reports to the NJ Department of Community Affairs pursuant to the requirements of the Post-Sandy Planning Assistance Grant Program and provide the appropriate documentation to comply with the state regulations for the grant award.

DELIVERABLES

1. Preliminary Plan - which will be reviewed by Monmouth County OEM, NJOEM and FEMA Region II, as necessary and will include:
 - Letter of Transmittal;
 - Two (2) hard copies, in three ring binders, including at a minimum the hazard identification/risk assessment and mitigation strategy sections of the plan.
 - One (1) electronic copy of the entire plan in a pdf file and word document.
2. Draft Plan - which will be reviewed by Monmouth OEM, NJOEM and FEMA Region II, as necessary and will include:
 - Letter of Transmittal;
 - Two (2) hard copies, in three ring binders, including the complete hazard mitigation plan. This deliverable will incorporate review comments from the Preliminary Plan deliverable and will conform to relevant requirements of 44CFR Part 201.6 with the exception of resolution of adoption.
 - One (1) electronic copy of the entire plan in a pdf file and word document.
3. Final Plan - which will include the following:
 - Letter of Transmittal;
 - Two (2) hard copies, in three ring binders, including an entire adopted and approved hazard mitigation plan; and
 - One (1) electronic copy of the entire plan in a pdf file and word document.
4. Power Point or similar presentation and presentation materials
5. Monthly Status reports to NJDCA.

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. The fee proposal should be a not-to-exceed fee, inclusive of all costs, and should not exceed \$50,000.

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, five (5) "hard" copy and one digital copy of the proposal shall be submitted no later than March 10, 2015 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, and interviews with some of the responding firms are anticipated.

4.1 SELECTION CRITERIA

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

It is expected that the successful proposer will:

- Recognize the unique demographic, geographic, technical, and political considerations of Highlands.
- Exhibit familiarity with emergency management and multi-hazard mitigation concepts.
- Demonstrate knowledge or experience with land use and community development.
- Understands all the applicable policies and regulations as they apply to the mitigation plan, including Federal law, FEMA guidance, and state and local ordinances.
- Recognize that community input and public participation are integral to any successful mitigation plan.

All proposals submitted by the due date to the contact person named herein will be evaluated by the Borough's steering committee and selected on the basis of quality of the proposal, innovative approach, timetable proposed,

fee amount, and the experience and credentials related to mitigation planning, and NJOEM & FEMA programs, guidelines and regulations of the firm, individual or institution submitting the proposal.

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 N.J.S.A. 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> §12101 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: _____