

NOTICE OF RFP

The Borough of Highlands is soliciting proposals. Sealed RFP responses will be received April 22, 2016 at 10:00 a.m. in the Borough of Highlands Municipal Building 42 Shore Drive Highlands, N.J. 07732 at which time and place responses will be and read for
Proposals for Grant Writing Services

Proposal Instruction Packets may be obtained at Borough of Highlands Municipal Building 42 Shore Drive Highlands NJ 07732 or Borough of Highlands website at: www.highlandsnj.com

All RFP Addenda will be issued in the website. Therefore, all interested respondents should check the website from now through the RFP opening. It is the sole responsibility of the respondent to be knowledgeable of all addenda related to the procurement. Respondents shall comply with the said requirements with the RFP.

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 HIGHLANDS**

OWNER'S ADDRESS: _____ **42 SHORE DRIVE**

_____ **HIGHLANDS, NEW JERSEY 07724**

FOR

PROJECT NAME: _____ **GRANT WRITING SERVICES** _____

NOTICE POSTED: April 1, 2016

DUE DATE: April 22, 2016 @ 10:00 a.m. prevailing time

PUBLIC READING: All responses/proposals will be opened at the Borough Municipal Building, 42 Shore Drive Highlands NJ @ 10:00 a.m.

TAKE NOTICE: The Borough of Highlands, 42 Shore Drive, Highlands New Jersey 07724 (hereinafter referred to in this notice and the various submission documents as the "Client/Owner," "Borough of Highlands" and/or "Borough") is seeking Qualifications and/or Proposals for Professional Services Providers (hereinafter referred to in this notice and the various submission documents as the "respondent," "provider," "contractor," "submitting party," "applicant," "vendor," "service provider," and/or "professional service provider") for the following professional services in accordance with a "fair and open" contracting process as defined in the New Jersey Local Unit Pay to Play Law (N.J.S.A.19:44-20.4 et seq.):

The Borough of Highlands is soliciting responses/proposals to the Borough's RFQ/RFP for the provision of the following professional services:

PROFESSIONAL SERVICE/TITLE SOUGHT:

GRANT WRITER AND MANAGEMENT CONSULTING

The Borough of Highlands desires to hire a consultant to assist in the application, processing, reporting, auditing, and exercising federal, state, and local grants. Duties would include working with administration to clean-up previous grants which are in various levels of completion, i.e. tail from previous grants; collection of grant money already awarded; application for current grants at federal, state, and local levels; coordinate spending of grant money from various sources; and administration and record keeping of such grants, both required reporting and internal.

CONTRACT TERM:

The contract time period will be for one (1) year commencing from the contract date.

GENERAL REQUIREMENTS:

Must have at least five (5) years experience in the profession, including exposure to issues likely to be of assistance in serving as Grant Writer; must be have the ability to attend meetings of the Borough; must have sufficient support staff to provide all services required by the Borough. Must list past and present public entities represented as Grant Writer, including at least four public entities within a 100 mile radius of the Borough serviced by your firm. Must provide other factors if demonstrated to be in the best interest of the Borough.

INSURANCE AND INDEMNIFICATION:

The Contractor shall be required to have the following insurance coverage. Said coverage or certification of ability to obtain said coverage immediately upon contract award, shall be applicable to this proposal and be made a part of the proposal documents:

INSURANCE REQUIREMENTS:

Worker's Compensation Insurance

Workers Compensation Insurance shall be maintained in full force during the life of the contract, covering all employees engaged in performance of the contract pursuant to N.J.S.A. 34:15-12(a) and N.J.A.C. 12:235-1.6

General Liability Insurance

The contractor shall furnish evidence to the Borough prior to commencement of the work that he/she or any of his/her subcontractors perform and will provide Standard Liability for any operations to be performed by contractor or subcontractors as follows:

General liability insurance shall be provided with limits of not less than \$1,000,000 for any occurrence and \$1,000,000 aggregate for bodily injury and property damage. Coverage shall be maintained in full force during the life of the contract.

Automotive Liability Insurance

Automotive liability insurance covering the contractor for claims arising from owned, hired and non-owned vehicles with limits of not less than \$1,000,000 for any one occurrence and \$1,000,000 aggregate for bodily injury and property damage. Coverage shall be maintained in full force during the life of the contract.

Professional Liability Insurance

Professional liability insurance covering contractor for claims arising from its representation of the municipality with limits of not less than \$1,000,000 for any one occurrence, which shall be claim based, and coverage shall be maintained in full force and effect during the life of the contract.

The preceding insurance requirements maybe amended before the issuance of the final contract at the sole and absolute discretion of the Borough on a case-by-case basis.

CERTIFICATES OF THE REQUIRED INSURANCE

Certificates of Insurance for those policies required shall be with an insurance company authorized to do business in the State of New Jersey and shall name the Borough as an additional insured.

INDEMNIFICATION

The contractor shall indemnify, defend, and save harmless the Borough, at the contractor's own cost and expense, from and against all losses and all claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recovered against him, by reason of any act or omission of the said contractor, his agents or employees, in the delivery of goods or services, execution of the work, or in the guarding of it.

WORK PRODUCT/DELIVERABLES:

All documents and writings necessary and incidental to grant writing and management consulting.

FEE SCHEDULE:

Provide a cost proposal consisting of information on your fee structure(s) based on the scope of services indicated herein, including anticipated reimbursable costs. Please provide an estimated monthly fee or set fee.

EVALUATION PROCESS:

An evaluation team will review all responses/proposals. The team will determine if the responses/proposals satisfy the Requirements, determine if a response/proposal should be rejected and then evaluate the responses/proposals based upon the Evaluation Criteria. The highest-ranking respondent will then be recommended to the governing body for award of contract, based on price and other factors. **In specific areas, multiple contracts may be awarded.** Listed below are the criteria that the Borough of Highlands will consider in the evaluation of each response/proposal. The arrangement of the criteria does not imply order of importance in the selection process. All criteria will be used to select the successful respondent.

1. Requirements

Possess the general requirements stated herein.

2. Understanding of the Requested Work

The responses/proposals will be evaluated for general compliance with instructions and requests issued in the RFQ-RFP. Non-compliance with significant instructions shall be grounds for disqualification of responses/proposals.

3. Knowledge and Technical Competence

This includes the ability of the respondent to perform all of the tasks and fulfill adequately the stated requirements.

4. Management, Experience and Personnel Qualifications

Expertise of the respondent shall be demonstrated by past contract successes providing government agencies with similar services. The respondent will be evaluated on knowledge, experience, prior collaboration and successful completion of projects/services similar to those requested in this RFQ-RFP. In addition to relevant experience, respondents shall provide personnel qualifications in the Response/Proposal.

5. Ability to Complete the Services in a Timely Manner

This is based on the estimated duration of the tasks and the respondent's ability to accomplish these tasks as stated.

6. Cost

Price shall be based on rates set forth in the RFQ or where a cost proposal is required (RFP), as submitted in the cost proposal. Prices are firm for twelve (12) months. Any services not included as part of any resulting contract scope of services or cost proposal must be approved and authorized by the Borough of Highlands before such work is initiated. The Borough shall pay for such approved services, at the rate or cost agreed upon between the Borough and contractor.

BASIS OF AWARD
EVALUATION CRITERIA

Grant Writer and Management Consultant - CY2016
Term: One Year Commencing from the Contract Date

The following is the criteria for evaluation of the response/proposal. Points shall be awarded based on the information contained in each response/proposal for each category as listed below on a scale of 1-10, with 10 meeting all required criteria and 1 not meeting the required criteria. The highest total score shall be the basis for the contract award.

EVALUATION CRITERIA	SCORE/ POINTS
TECHNICAL CRITERIA	
Vendor's response/proposal demonstrates a clear understanding of the scope of work and related objectives	
Vendor's response/proposal is complete and responsive to the technical RFQ/RFP requirements	
Vendor evidences successful past performance of like projects	
MANAGEMENT CRITERIA	
History and experience in performing similar work	
Availability of personnel, facilities, equipment, etc.	
Qualification and experience of support personnel	
Comprehensive work plan and schedule	
Significant experience in application, processing, reporting, auditing, and exercising federal, state, and local grant matters	
Proof of licensure	
COST CRITERIA	
Cost of goods/services to be provided	
Quality and quantity of vendor's services to previous clientele	
Vendor's financial ability to meet obligations	
POINT TOTALS	

BE ADVISED THAT absent an express written notice to the contrary in the detailed requirements, all responses/proposals:

1. Are to be submitted on "The Standardized Profession Service RFQ-RFP SUBMISSION FORMS" AND
2. Are Subject to the Standardized "General Instructions, Submission and Selection Criteria for Professional Service Contracts".

SEALED RESPONSES/PROPOSALS SHOULD INCLUDE:

1. The above noted Standardized Profession Service RFQ-RFP SUBMISSION FORMS which include:
 - a. The "Proposal, Qualifications and Costs Submission Form" signed and dated by the provider and clearly referencing any additional sheets or attachments (such as a submission letter, provider service or experience description, and/or fee schedule).
 - b. A signed and notarized "Non-Collusion Affidavit."
 - c. A signed Disclosure of Ownership form.
2. A copy of the vendor's current "NJ Business Registration Certificate." Information on this certificate can be obtained on the web at "<http://www.state.nj.us/treasury/revenue/busregcert.htm>".
3. Such other documents and materials as may be appropriate to show the qualifications and experience of the provider or to meet the requirements of this RFQ-RFP.
4. Affirmative Action Language and Disclosure of Investment Activities with Iran Form

SUBMISSION DEADLINE AND PUBLIC READING:

Sealed proposals/responses must be received in the Borough of Highlands Municipal Building, 42 Shore Drive, Highlands New Jersey 07724, Clerks office on or before the date and time ("due date" set forth in this notice (also referred to as the "submission deadline"). The Borough Clerk and/or her designated representative will receive submissions up to the submission deadline.

The Borough reserves the right to extend the submission deadline at any time prior to opening of the sealed submissions, to reject all submissions without the need for cause or prior notice, to reject particular submissions due to defects in mandatory items, to waive non-mandatory items and to accept any submissions that in its judgment is in the best interest of the Borough.

NOTICE POSTED: April 1, 2016

DUE DATE: April 22, 2016 @ 10:00 a.m. prevailing time

PUBLIC READING: All responses/proposals will be opened at the Borough Municipal Building 42 Shore Drive, Highlands NJ, April 28th, 2016 @ 10:00 a.m.

Proposal/Qualification/Cost Form

NON-COLLUSION AFFIDAVIT

State of New Jersey _____ §:

County of _____

I, _____ of the City of _____ in

The County of _____ and the State of _____ of full age, being
duly sworn 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 to
do so and that said bidder has not, directly or indirectly, entered into any 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 bid and in this affidavit are true
and

correct and made with full knowledge that The Borough of Highlands relies upon the truth of the
statements contained in said bid and in the statements contained in this affidavit in awarding the
contract for said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure
such contract upon an agreement or understanding for a commission, percentage, brokerage or
contingent fee, except bona fide established commercial or selling agencies maintained by

(Name of bidder) (N.J.S.A 52:3415).

By: _____

(Typed Name and Title)

Subscribed and sworn to before me
this _____ day of _____ 20 ____

(Notary Public of _____)

LIST OF STOCKHOLDERS

Percentage of Ownership

Name and Address _____ (10% or more) _____

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.

<u>Full Name of Individual (Stockholder)(Partner)</u>	<u>Address of Individual (Stockholder)(Partner)</u>	<u>Share(%) 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 _____, 2016

 Signature of Affiant
 (Corporate Seal)
 If Applicable

 (Notary Public)
 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.

NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

BOROUGH OF HIGHLANDS
NEW JERSEY BUSINESS REGISTRATION
REQUIREMENTS – NON-CONSTRUCTION

All New Jersey and out of state business organizations must obtain a Business Registration Certificate (BRC) from the Department of Treasury, Division of Revenue, prior to conducting business in the State of New Jersey. Proof of valid business registration with the Division of Revenue, Department of Treasury, State of New Jersey, must be submitted with this proposal. No contract will be awarded without proof of business registration with the Division of Revenue. The contract will contain provisions in compliance with N.J.S.A. 52:32-44, as amended, outlined below.

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. Before final payment of the contract is made by the contracting agency, the contractor shall submit an accurate list and proof of business registration of each subcontractor used.

For the term of the contract, the contractor and each of its affiliates and each subcontractor and each of its affiliates (N.J.S.A. 52:32-44 (g) (3)) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the "Sales and Use Tax Act" (N.J.S.A. 54:32 B-3, et seq.) on all sales of tangible personal property delivered into this state.

A business organization that fails to provide a copy of a registration as required pursuant to section 3 of P.L. 2003, c.334 (N.J.S.A. 52:32-44 et. seq.) or subsection e. or f. of section 92 of P.L. 3977, c.330 (N.J.S.A. 5:32-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000.00 for each business registration copy not properly provided under a contract with a contracting agency.

Other forms, such as a Certificate of Authority to collect Sales and Use Taxes or a Certificate of Employee Information Report Approval, are **not** acceptable.

Any questions in this regard can be directed to the Division of Revenue at (609) 292-3730. Form NJ-REG can be filed online at:

<http://www.state.nj.us/treasury/revenue/gettingregistered.htm#busentity>

AFFIRMATIVE ACTION AFFIDAVIT

(To be completed by firms with less than 50 employees)

STATE OF NEW JERSEY)

SS:

COUNTY OF

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

1. I am (President, Partner, Owner of the firm of , a bidder making a proposal upon the above named project.
2. does not have 50 employees or more inclusive of all officers and employees of every type.
3. I am familiar with the affirmative action requirements of PL 1975,c.127 and rules and regulations issued by the Treasurer, State of New Jersey, pursuant thereto.
4. , has complied with all the affirmative action requirements of the State of New Jersey, including those required by N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 and the rules and regulations issued by the Treasurer, State of New Jersey, pursuant thereto.
5. I am aware that if does not comply with N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 and rules and regulations issued pursuant thereto, that no monies will be paid by the State of New Jersey, County of _____ , Borough of _____ until an affirmative action plan is approved. I am also aware that the contract may be terminated and the may be debarred from all public contracts for a period of up to five (5) years.
6. In the event my workforce increases to 50 employees, I must contact the State Affirmative Action Office and complete and Employee Information Report.

Signature of Authorized Representative

Name and Title

Subscribed and sworn to

before me this day

of _____

(Seal) Notary Public of N.J.

**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: _____

Procurement and Service Contract - Mandatory Language

P.L. 1975, C. 127 (N.J.A.C. 17:27) MANDATORY AFFIRMATIVE ACTION LANGUAGE

PROCUREMENT, PROFESSIONAL AND 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, sex, affectional or sexual orientation. 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, sex, affectional or sexual orientation. 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, sex, affectional or sexual orientation;

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 the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including 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, sex, affectional or sexual orientation, 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.

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, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office 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 Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).

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.

Mandatory Check List:

- _____ 1. The Standardized Profession Service RFQ-RFP SUBMISSION FORMS which include:
 - a. The "Proposal, Qualifications and Costs Submission Form" signed and dated by the provider and clearly referencing any additional sheets or attachments (such as a submission letter, provider service or experience description, and/or fee schedule).
 - b. A signed and notarized "Non-Collusion Affidavit."
 - c. A signed Disclosure of Ownership form.
 - d. Proof of Insurance.
- _____ 2. A copy of the vendor's current "NJ Business Registration Certificate." Information on this certificate can be obtained on the web at "<http://www.state.nj.us/treasury/revenue/busregcert.htm>".
- _____ 3. Such other documents and materials as may be appropriate to show the qualifications and experience of the provider or to meet the requirements of this RFQ-RFP.
- _____ 4. Affirmative Action Language /Affidavit
- _____ 5. Investment Activities with Iran Disclosure Form
- _____ 6. Americans With Disabilities Act