

**REQUEST FOR PROPOSAL FOR  
CONSTRUCTION MANAGEMENT SERVICES**

**FOR**

**Highlands Borough**

**New Municipal Building  
(Borough Hall)**

**SUBMISSION DEADLINE**

**10:00 A.M.**

**Date: August 30, 2021**

**ADDRESS ALL PROPOSALS TO:**

**Michael F Muscillo, MPA  
Business Administrator  
42 Shore Drive  
Highlands, NJ 07732**

## **GENERAL INFORMATION & SUMMARY**

### **ORGANIZATION REQUESTING PROPOSAL**

Highlands Borough  
42 Shore Drive  
Highlands, NJ 07732

### **CONTACT PERSON**

Michael F Muscillo, Business Administrator  
732-872-1224 x203

### **PURPOSE OF REQUEST**

The Borough is requesting proposals from experienced and qualified individuals and firms to provide Construction Management Services in connection with the following:

#### **A. WORK**

1. The construction of the new Highlands Borough Municipal Building, to be located at the intersection of Navesink Avenue (Rt. 36) and Miller Ave. The building will be approximately 15,000 square feet, two stories, and house all municipal operations including the Police Department.

#### **B. PROJECT SCHEDULE**

**It is anticipated that the entire construction phase of this project will be 18 months.**

Proposals will be evaluated in accordance with the criteria set forth in this RFP.

The agreement between the Borough and the successful construction management firm is subject to the availability and appropriation, annually, of funds sufficient to satisfy the recurring monthly charges for the provision of the construction management services identified in the construction management firm's agreement with the Borough.

### **SUBMITTAL REQUIREMENTS**

Construction Management Firms responding to this Request for Proposal (RFP) must prepare their responses in a bound format with appropriate section dividers. One (1) original copy of the required documents and Two (2) flash drives containing said document as identified in the RFP shall be delivered to:

42 Shore Drive, Highlands, NJ 07732

in accordance with the time and date appearing on the cover page of this document.

1. **SCOPE OF SERVICES**

The Construction Management Firm (“CM”) shall act as the Borough’s representative/ agent during the construction, and post-construction phases of the Project. In all instances the CM shall employ its best efforts to protect the interests of the Owner and further the intended goals and purpose of the Project.

Minimum services requested:

A. **Pre-Construction**

1. Review of Settembrino Architects Contract Documents / Specifications / Drawings for accuracy, completeness and suitability – Constructability Review.

B. **Construction Phase**

1. **Full-time** on-site monitoring of contractors for Quality Control and conformance with the Contract Documents. The CM shall have (1) representatives on site during all construction activities providing construction management for the duration of all construction phases.
2. Primary contract administration duties; role and responsibility to ensure that the Borough’s interests are protected and that the contract administration is handled effectively and efficiently.
3. Serve as Project’s primary point of contact throughout the project until final acceptance.
4. Assist the Owner in hiring and coordination with the Owner’s construction testing, balancing, inspection activities, and commissioning agent.
5. Manage the scheduled weekly Project Coordination Meetings with the GC and all sub-prime contractors.
6. Attend Emergency Meetings called by Owner or Architect in response to problems.
7. Provide appropriate notification to the Owner and the Architect when work is not being performed in accordance with contract drawings
8. Provide logging, tracking, reviewing and recommendations for all proposed change orders submitted by a contractor. Provide an Excel spreadsheet to track the COR#, date requested, scope of work, proposed amount, status, approved amount, approved date and note if it is an allowance or change order.
9. Provide and maintain minutes for Project and Emergency Meetings to document action items assigned and any Project decisions made.
10. Provide and maintain on-site records of documentation, minutes, shop drawings, inspections, tests, correspondence, change order requests, etc.
11. Provide a monthly report to the Owner, including an executive summary, progress report, financial report of Project, discussion on schedule, project photos, change orders and other critical issues.

12. Provide a review and recommendation on certified payment applications submitted by contractors and certify all payments.
13. Track each contractor's compliance with Master Project Construction Schedule, participate in monthly updates.
14. Coordinate as required with contractor and design team for solutions to problems encountered during Project.
15. Act as a liaison with Owner and Sub-Code Officials and their inspection staff to verify compliance of contractor work with all applicable building codes and standards.
16. Communicate the results of all inspections conducted by the Owners team and local officials having jurisdiction to the Owner and Architect.
17. Keep a daily activity report recording time on the job and a summary of actions and/ or activities performed and/or observed while on the Project.
18. Verify that the contractor is maintaining on-site a properly documented set of as-built drawings for incorporation into the final set of Record Drawings prepared by the Contractor.
19. Perform aggressive quality assurance in cooperation with the Owner, Architect and contractors as the Project progresses. Notify the design team of any issues or concerns.
20. Provide the Owner and Architect with digital photograph, documentation of the Project and/or conditions in the monthly report.
21. Prepare and review with Owner and Architect a punch list of items at Project completion.
22. Assist the Contractor to obtain a Certificate of Occupancy for each construction phase.

**C. Project Close-Out / Post-Construction Phase**

1. Coordinate completion of punch list items to the satisfaction of Owner and Architect including recommendations for acceptability.
2. Assist Owner in obtaining close-out documents and owner's manuals pertaining to the Project for transfer to the Owner at completion.
3. Assist the contractors to obtain Certificate of Occupancy.
4. Review and provide recommendation to Owner and Architect regarding final payments and release of retainage amounts.
5. Assist Owner in evaluation and inspection of building systems involved in the Project prior to the expiration of warranties to determine acceptability.
6. Assist Owner as required in resolution of construction related problems and with required warranty repairs.

All on-site staff are subject to review and acceptance by the Borough of Highlands.

**2. STANDARD REQUIREMENTS OF TECHNICAL PROPOSAL**

All proposals must be submitted in strict compliance with the instructions included in this Request for Proposals document. The Borough may refuse to consider a proposal if a proposing firm fails to submit a complete package.

Proposals shall be sent to the following parties in accordance with the following requirements on or before 8/30/2021 at time: 10:00am.:

One (1) original hard copy and Two (2) flash drives of each firm's proposal shall be

submitted to:

Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732

Facsimile or e-mail submissions will not be accepted.

Proposers should submit a technical proposal which contains the following:

- A.** The name of the proposer, the principal place of business and, if different, the place where the services will be provided;
- B.** The age of the proposer's firm and the average number of employees over the past three years;
- C.** The education, qualifications, experience, and training of all persons who would be assigned to provide services along with their names and titles. Include an organization chart and resumés for all persons identified as potential key staff. You are required to identify the On-site Construction Manager who will be committed to this project for the duration unless otherwise advised or approved by the Owner. **Minimum qualification requirements** include:
  - 1. **Project Executive** should have at least 15 years of management experience with a minimum of 10 New Jersey public projects of a similar size and scope.
  - 2. **Construction Managers** should have good communication and computer skills, at least 5-10 years of management experience on large public construction projects; or shall have a degree in Architectural, Engineering or Construction Management with a minimum of 5 years of experience.
- D.** A listing of all other engagements where services of the types being proposed were provided in the past ten years and should include other similar public sector project types. The list must include the following information: project location, client, architect, services provided, completion date, construction value, change orders and contact person. The Borough may obtain references from any of the parties listed;
- E.** A description of all other areas of expertise of the proposer, with emphasis on a description of those services of interest to a Municipal client;
- F.** A detailed plan for providing the proposed services, with a description of the proposing firm's approach and specific scope of services;
- G.** Proof of professional liability insurance;
- H.** Proof of any necessary professional license or certification from the State of New Jersey for all professionals assigned to the engagement;
- I.** Statement that the firm has Workers' Compensation and Employer's Liability Insurance in accordance with New Jersey law;
- J.** Statement that neither the firm nor any individuals assigned to this engagement

are disbarred, suspended, or otherwise prohibited from professional practice by any federal, state, or local agency;

- K.** A description of any litigation with New Jersey Public Entities relative to services performed by the proposer;
- L.** Five (5) New Jersey public sector references with contact name, address, telephone, and fax numbers;
- M.** A description of the proposer's office location and an explanation of the proposer's availability for meetings and conferences at the Borough's facilities;
- N.** A description of your firm's Quality Control Plan;
- O.** Discuss your Firm's LEED/ Sustainability experience.
- P.** Evidence of your firm's current NJ Division of Property Management and Construction prequalification status and NJ Department of Labor and Workforce Development Public Works certification;
- Q.** An Affirmative Action Statement (copy of form attached);
- R.** A completed Non-Collusion Affidavit (copy of form attached);
- S.** A completed Owner Disclosure Statement (copy of form attached);
- T.** Chapter 271 Political Contribution Disclosure Form (copy of form attached);
- U.** The disclosure of investment activities in Iran certification (copy of form attached);
- V.** W-9
- W.** A copy of the proposer's Business Registration Certificate.
- X.** A representation that all services will be performed within the United States of America.

#### **4. PRESELECTION QUESTION PERIOD**

The Borough will permit firms that have received this RFP to submit questions about the Project in writing. All questions are to be sent to the following parties:

Settembrino Architects  
C/O Kevin Settembrino  
25 Bridge Ave., Suite 201  
Red Bank, NJ 07732  
Fax: 732.741.4977

Firms submitting faxed questions to Settembrino Architects must provide such questions, in writing, on or before 8/23/2021 by 5:00 p.m. Please do not submit questions via phone calls.

Settembrino Architects will provide written answers via fax to all firms that have properly

submitted questions no later than 8/26/2021 by 5:00 p.m. Settembrino Architects will make a good faith effort to properly and effectively answer all questions, however, Settembrino Architects reserves the right not to answer certain questions. In addition, firms submitting proposals must recognize that Settembrino Architects will make a good faith effort to answer any and all questions, but Settembrino Architects accepts no liability for any mistakes or errors in bids or assumptions that are made in reliance on the answers to submit its questions.

## **5. DISCUSSIONS WITH PROPOSERS**

An oral presentation by a proposer to clarify a proposal may be required at the sole discretion of the Borough. However, the Borough may award a contract based on the initial proposals received without discussion with the proposer. If oral presentations are required, they will be scheduled after the submission of proposals. Proposer will not be compensated for making the presentation.

## **6. PROPOSAL EVALUATION**

The Borough will select the most advantageous proposal based on all of the evaluation factors set forth at the end of this RFP. The Borough may attempt to negotiate an acceptable fee with the most qualified proposer. The Borough will make the award that is in the best interest of the Borough based on cost and other considerations.

Each proposal must satisfy the objectives and requirements detailed in this RFP. The response to this RFP will form the basis for the evaluation process.

The successful proposer shall be determined by an evaluation of the total content of the proposal submitted. The Borough reserves the right to:

- a. Not select any of the proposals.
- b. Award a contract for the requested services at any time within 60 days of the selection of the most advantageous proposal. Every proposal should be valid through this time period.

The Borough shall not be obligated to explain the results of the evaluation process to any proposer.

The Borough may require proposers to demonstrate any services described in their proposal prior to award.

## **7. AWARD OF THE CONTRACT**

The successful proposer will be notified, in writing, of the Award of the Contract. The terms of the proposals as submitted by the proposer may be modified as the Borough reserves the right to negotiate the terms of the proposal with its respective proposer.

The successful Construction Management firm will enter into a Form of Contract to be prepared by the Borough.

**8. PROPOSAL LIMITATIONS**

This RFP is not intended to be an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the Borough by issuance of this RFP. The Borough reserves the right at the Borough's sole discretion to refuse any proposal submitted.

**9. USE OF INFORMATION**

Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like ("Information") furnished or disclosed by the Borough to the proposer in connection with this RFP shall remain the property of the Borough. When in tangible form, all copies of such information shall be returned to the Borough upon request. Unless such information was previously known to the proposer, free of any obligation to keep it confidential, or has been or is subsequently made public by the Borough or a third party, it shall be held in confidence by the proposer, shall be used only for the purposes of this RFP, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

**10. PROPRIETARY INFORMATION**

Any proposal submitted may become public information. Proprietary information such as client lists and non-public financial statements may be protected under limited circumstances. Proposers must clearly identify in the proposal any specific proprietary information they request be protected. Proposals may be reviewed and assessed by any person at the discretion of the Borough. All materials submitted become the property of the Borough and may be returned only at the Borough's option.



BID PROPOSAL FORM

CONSTRUCTION MANAGER SERVICES

BOROUGH OF HIGHLANDS, NEW JERSEY

1. FIXED FEE – 3<sup>RD</sup> PARTY REVIEW OF COMPLETE CONSTRUCTION DOCUMENTS: \$ \_\_\_\_\_
2. COST PER MONTH WITH ONE (1) FULL-TIME EMPLOYEE ON SITE WITH BOROUGH SUPPLIED TRAILER: \$ \_\_\_\_\_
  - a. COST PER MONTH WITH ONE (1) FULL-TIME EMPLOYEE ON SITE WITH YOUR OWN SUPPLIED TRAILER: \$ \_\_\_\_\_
- THE CONSTRUCTION OF THE BUILDING IS ANTICIPATED TO BE AN 18-MONTH BUILD. THE MONTHLY FEE WILL RUN FOR THE ENTIRE TIME OF CONSTRUCTION, BE IT 18-MONTHS, OR 20-MONTHS, ETC.

**BASIS OF AWARD**

(To be completed by the Borough's evaluation committee)

<b>EVALUATION FACTORS</b> Points awarded will be based on the information contained in the technical proposal, any supplemental information obtained and information gathered during the interview, if one is conducted.	<b>SCORE</b>
A. Technical Proposal contains all required information  _____ <u>10</u> _____ points	
B. <u>Relevance and Extent of Qualifications, Experience, and Training of Personnel to be assigned and Pricing</u>  _____ <u>35</u> _____ points	
C. <u>Relevance and Extent of Similar Engagements performed</u>  _____ <u>35</u> _____ points	
D. <u>Plan for performing engagement is realistic, thorough, and demonstrates knowledge of requirements and personnel availability</u>  _____ <u>20</u> _____ points	
<b>TOTALS</b>	

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY)
County of ) SS

I, \_\_\_\_\_ of the city of
\_\_\_\_\_ in the county of \_\_\_\_\_
and State of \_\_\_\_\_ 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 names project, and that I executed the said Proposal with full
authority to do so; 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 name project; and that all statements contained in said
Proposal and in this affidavit are true and correct, and made with full knowledge that the
Borough of Education relies upon the truth of the statements contained in said Proposal and in
the statements contained in the affidavit in awarding the contract for the 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, or
contingent fee, except bona fide employee or bona fide established commercial or selling
agencies maintained by \_\_\_\_\_ (N.J.S.A. 52:34:15)

Signed: \_\_\_\_\_

(Also print or type name of affiant under
signature)

Sworn to and subscribed before me
this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

Notary Public

P.L. 1977 Ch. 33 Local Public Contracts Law

No corporation or partnership shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, the cost of which is to be paid with or out of any public funds, by the state, or of any county, municipality or school district, or by any authority, board or commission which exercises governmental functions, unless prior to the receipt of the bid or accompanying the bid, of said corporation or said partnership, there is in the corporation or partnership who own 10 percent or more of its stock, of any class or of all individual partners in the partnership who own 10 percent or greater interest therein, as the case may be. If one or more such stockholder or partners is itself a corporation or partnership, the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, exceeding the 10 percent ownership criteria established in this act, has been listed.

This act shall take effect immediately.

Approved and effective March 8, 1977.

## OWNERSHIP DISCLOSURE

1. THIS IS TO CERTIFY that the bidder in question is a (corporation) (partnership) or (joint venture).

2. If the owner to number 1 above was that the bidding entity is a corporation, all individuals or entities holding at least a 10 percent ownership interest or more in said corporation, whether by the issuance of stock or otherwise, are the following

<u>Name</u>	<u>Address</u>	<u>% of Ownership</u>
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3. If the answer to number one above was that the bidding entity is a partnership, give the names, addresses and percentages of interest of those being 10 percent or more in said partnership

<u>Name</u>	<u>Address</u>	<u>% of Ownership</u>
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4. If the answer to number one above was that the bidding entity is a joint venture, give the names, addresses and percentages of those having a 10 percent or more equitable interest or legal interest in said joint venture.

<u>Name</u>	<u>Address</u>	<u>% of Ownership</u>
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5. I hold the following office or interests in the bidding entity and am an individual having more than a 10 percent beneficial or legal interest in the bidding entity.

6. I make this certification individually and on behalf of said entity with full knowledge that the School Borough will rely on this certification in awarding any bids and that any misrepresentations herein shall subject the entity and myself to all penalties provided by Chapter 33 of the Public Laws of 197.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

Attest: \_\_\_\_\_  
Notary Public

REQUIRED AFFIRMATIVE ACTION EVIDENCE FOR  
PROCUREMENT, PROFESSIONAL AND SERVICES CONTRACTS

1. A photocopy of your federal letter of affirmative action plan approval.  
or
2. A photocopy of your certificate of employee information report.  
or
3. A completed affirmative action employee information report (AA302).EXHIBIT A

## **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 et seq.**

#### **GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES 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 ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, 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 equal employment opportunity shall include, but not be limited to the following: employment, up- grading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprentice- ship. 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 will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter 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 meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

## **EXHIBIT A (Cont)**

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, 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 targeted 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, race, 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; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at: [http://www.state.nj.us/treasury/contract\\_compliance/](http://www.state.nj.us/treasury/contract_compliance/)).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program 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 Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

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Signature of Bidder



## **DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

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 the person or entity, or one of the person or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the New Jersey Department of the Treasury as a person or entity engaging in investment activities in Iran. If the Director finds a person or entity to be in violation of the principles which are the subject of this 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 person or entity.

**I certify, pursuant to Public Law 2012, c. 25, that the person or entity listed above for which I am authorized to submit a proposal:**

is not providing goods or services of \$20,000,000 or more in the energy sector of Iran, including a person or entity that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran,

**AND**

is not a financial institution that extends \$20,000,000 or more in credit to another person or entity, for 45 days or more, if that person or entity will use the credit to provide goods or services in the energy sector in Iran.

**In the event that a person or entity is unable to make the above certification because it or one of its parents, subsidiaries, or affiliates has engaged in the above-referenced activities, a detailed, accurate and precise description of the activities must be provided in part 2 below to the New Jersey Turnpike Authority under penalty of perjury. 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.**

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

**THIS FORM CONTINUES ONTO THE NEXT PAGE**

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

Name: \_\_\_\_\_

Relationship to Proposer: \_\_\_\_\_

Description of  
Activities: \_\_\_\_\_

Duration of Engagement: \_\_\_\_\_

Anticipated Cessation \_\_\_\_\_

Date: \_\_\_\_\_

Proposer Contact Name: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

**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: \_\_\_\_\_



## **C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM**

### **Contractor Instructions**

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee\*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
  - of the public entity awarding the contract
  - of that county in which that public entity is located
  - of another public entity within that county
  - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those

public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor's responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor's submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Borough of Education contracts.**

**1 N.J.S.A. 19:44A-3(s):** "The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures."

**List of Agencies with Elected Officials Required for Political Contribution  
Disclosure  
N.J.S.A. 19:44A-20.26**