

**BOROUGH OF HIGHLANDS  
REQUEST FOR PROPOSAL  
PLANNING SERVICES FOR THE PREPARATION OF A MASTER PLAN RE-  
EXAMINATION AND A NEW MASTER PLAN**

**Date Issued:** February 4, 2015  
**Return Date & Time:** February 27, 2015 at 11:00 AM.  
**Return To:** Carolyn Cummins  
Borough Clerk  
Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732

**Planning Board Action Date:** March 5, 2015  
**Governing Body Action Date, Anticipated Contract Execution and Project Initiation:** March 18, 2015

**REQUEST FOR PROPOSAL FROM INDIVIDUALS AND/OR FIRMS  
INTERESTED IN PROVIDING PLANNING SERVICES  
FOR THE  
PREPARATION OF A MASTER PLAN RE-EXAMINATION AND A NEW MASTER PLAN  
FOR THE BOROUGH OF HIGHLANDS**

The Borough of Highlands is seeking proposals from individuals and/or firms interested in providing planning services for the preparation of a master plan re-examination and a new master 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](http://www.highlandsnj.com)).

## **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 Shore Drive 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 experiencing damage, numerous commercial district structures rendered uninhabitable, severe damage to infrastructure, and its impacts are still being felt.

Since the storm, the Borough has had a Strategic Recovery Planning Report (SRPR) developed and adopted, which recommended that the Master Plan be reviewed and updated as necessary. This SRPR also contained a risk assessment and a Getting to Resilience Report that reviewed the Borough's planning documents for resiliency and made specific recommendations for them.

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 services for the preparation of a new master plan and master plan re-examination. The Borough's current plan had a re-examination done in 2008.

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 a master plan re-examination and update, as per the Municipal Land Use Law. The Borough Planning Board 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 Planning Board.

The Master Plan Re-examination will ensure that:

- The future land-use map clearly identifies natural-hazard areas;
- Land-use policies discourage development and redevelopment within the natural-hazard areas;
- Environmental systems that protect development from hazards are identified and mapped;
- Transportation systems are designed to function under disaster conditions; and
- Sustainable development and redevelopment is actively encouraged.

### **1.2 CONTENTS OF THE PROPOSAL**

The Master Plan Re-examination and new Master Plan will serve as the guiding document for actions by the Planning Board as to planning and development within the borough. The successful bidder will provide a proposal that will allow the Borough to expeditiously determine its course of action. Previous relevant experience with municipal master planning and sustainable development should be highlighted.

The proposal to assist the Borough Planning Board to prepare a Master Plan Re-examination and new Master Plan shall incorporate the tasks and deliverables listed in Section 2.0 Scope of Work and Components of Investigation.

The Preliminary Investigation and all contract deliverables must be completed within a six (6) 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 PROPOSAL SUBMISSION AND DEADLINE**

An original, five (5) "hard" copies and one digital copy of the proposal shall be submitted no later than February 27, 2015 by 11:00AM. 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 07732  
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.

### **1.4 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.

### **2.0 SCOPE OF WORK AND COMPONENTS OF THE PLAN**

The proposal to prepare a master plan re-examination and update shall incorporate the tasks listed below and the deliverables listed below. The Plan and all contract deliverables must be completed within a six (6) month time frame.

The effort shall produce a master plan re-examination report for the planning board's adoption in accordance with the applicable statute, namely Article 11 of the Municipal Land Use Law (N.J.S.A. 40:55D-89) (MLUL), which requires the Re-Examination Report to state:

- a. Describe the major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. Describe the extent to which such problems and objectives have been reduced or have increased subsequent to such date.

- c. Describe the extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. Recommend specific changes for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. Recommend specific changes to the land use plan element of the master plan and/or to the local development regulations concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing Law, into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plan of the municipality.

In addition to the general requirements of these five objectives, emphasis shall be given to the following topics, within the context of items (c) and (d), above:

- Vulnerability of the borough to ongoing sea level rise and increased extreme storm events, and subsequent coastal flooding;
- Proposed strategies to increase the borough's resiliency to sea level rise, increased extreme storms events and coastal flooding; and
- Sustainable development strategies.

#### **Task A. Project Coordination**

The selected consultant will undertake initial project organization, including a kick-off meeting with Borough representatives. The consultant will be expected to provide a timetable with tasks, key dates and deliverables at this meeting.

#### **Task B. Existing Conditions Analysis**

Provide updated land-use, economic, demographic, environmental, housing and other needed data for use in preparing a Master Plan. The selected consultant will be expected to use already collected data from recent studies and reports as much as possible, including the SRPR, recent Rutgers University studio projects, etc.

#### **Task C. Plan Preparation**

This task will entail a significant public-involvement process to develop, articulate and visualize future scenarios for the downtown and waterfront, and to develop a consensus around priorities and objectives. Information and analysis collected under Task B will be used to inform participants about needs, limitations and opportunities to be considered in order to ground the planning process in a real-world, present-day context.)

#### **Task D. Implementation Plan**

Building upon each of the previous tasks, specific actions and recommendations will be developed regarding how to best achieve the vision and plan articulated in Task C. Examples will include: mechanisms for funding new development, redevelopment and supporting infrastructure; regulatory mechanisms non-regulatory tools such as

capital-improvement planning, Borough operations and maintenance, development assistance/support, special events and marketing; and a monitoring process and performances measures to allow the Borough to closely evaluate the progress and impacts of the Master Plan. The Planner shall be required to put their report into the suitable format, to be chosen by the Planning Board, as part of its Basic scope of services

**Task E: 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.

The Planner's effort is to be consistent with the ordinary and customary practices and the applicable standard of care in performing a re-examination report pursuant to the MLUL, both in terms of quality of services / work product and level of effort, notwithstanding that same may not be expressly stated within the Basic scope of services set forth in this RFP.

The Board will create a small subcommittee to work closely with the Planner in stewarding and developing the Re-Examination report and new plan. This subcommittee will be comprised of not more than four (4) members of the Board and not more than two (2) other individuals, as designated by the Board.

The Planner shall assume a minimum of five (5) formal meetings as part of this engagement, as follows:

- Kickoff meeting with the Board's Subcommittee to confirm objectives, establish a detailed schedule, and identify essential resource documents and Borough personnel. The Board's Subcommittee will offer their preliminary thoughts, recommendations, issues, concerns as related to the Borough's Master Plan and / or future Borough wide planning. The Planner will take notes and take into consideration the Subcommittee's comments within the context of the Planner's professional opinion.
- Discussion of preliminary findings with the Subcommittee and follow-up investigation, review, assessment as may be required, based on the Subcommittee's input.
- Initial presentation to the Board of preliminary findings and open issues requiring consideration and decisions by the Board. This session will likely involve input from the public.
- Follow-up session with the Board or its subcommittee presenting an outline of the proposed draft report, including key findings. The Subcommittee will be given an opportunity to review the draft Report and provide mark-ups / comments for consideration by the Planner and incorporation of same into the said Report.
- Close-out presentation to the Board of the final draft of the reexamination and update report.

In planning and conducting the engagement, the Planner shall seek to find those tasks that can readily be done by the Borough staff and/or members of the Board and/or the Board's professionals. This will serve as a cost-saving measure, and will also help to invest the staff and Board in the reexamination process.

**DELIVERABLES**

1. Preliminary Findings Report
2. Draft Plan
3. Final Plan

4. Power Point or similar presentations 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.

### **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) Experience with sustainable development strategies
- e) Resume of project manager and contact information
- f) Proposed scope of work
- g) Proposed fee for all deliverables broken down by task and staff person performing task
- h) Timetable for project deliverables
- i) Completion date for all deliverables
- j) Examples of similar work products – up to three
- k) Copy of collaboration/subcontract agreements, if applicable
- l) Firm, individual or institution ownership information
- m) Budget

### **4.0 SELECTION OF CONSULTANT**

All proposals submitted by the due date to the contact person named herein will be evaluated by the Borough and selected on the basis of quality of the proposal, timetable proposed, fee amount, and the experience and credentials related to municipal planning and sustainable development 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.

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.**

- |                                     |   |       |
|-------------------------------------|---|-------|
| <input checked="" type="checkbox"/> | Notice, Revision or Addenda Receipt Acknowledgement Form  | _____ |
| <input checked="" type="checkbox"/> | Form of Proposal, completed & signed by appropriate authorized representatives of BIDDER.   | _____ |
| <input checked="" type="checkbox"/> | A Statement (disclosure) of Ownership pursuant to NJSA 52:25-24.2.  | _____ |
| <input type="checkbox"/>            | A Bid Guarantee (bid bond or equivalent) pursuant to NJSA 40A:11-21.  | _____ |
| <input type="checkbox"/>            | A surety company certificate (Consent of Surety) pursuant to NJSA 40A:11-22.  | _____ |
| <input type="checkbox"/>            | A Listing of Subcontractors pursuant to NJSA 40A:11-16.   | _____ |
| <input type="checkbox"/>            | 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 NJS 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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_____	__/__/_____	_____	_____
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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).

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(Surety Company)

BY: \_\_\_\_\_

Surety Company

Attorney-in-Fact

Attest:

\_\_\_\_\_

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

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

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***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.

<b>STANDARD BID DOCUMENT REFERENCE</b>	
	<b>Reference: VII-A</b>
Name of Form:	<b>AFFIRMATIVE ACTION COMPLIANCE NOTICE</b>
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](http://www.state.nj.us/treasury/contract_compliance/ccmail.html)

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

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

<b>STANDARD BID DOCUMENT REFERENCE</b>	
	<b>Reference: VII-A-1</b>
Name of Form:	<b>MANDATORY AFFIRMATIVE ACTION LANGUAGE FOR GOODS AND SERVICES (INCLUDING PROFESSIONAL SERVICES) CONTRACTS</b>
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 B can be found on pages C-27 through C-30.

Exhibit A can be found on Page C-12 & 13.

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**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.**

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

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

Appendix A can be found on Page C-15.



## 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

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