

**BOROUGH OF HIGHLANDS  
42 SHORE DRIVE  
HIGHLANDS, NEW JERSEY 07732**

**Request for Proposals**

**CLAM DEPURATION PLANT OPERATION, MANAGEMENT,  
AND BUSINESS CONSULTANCY SERVICES**

**April 1, 2015 through March 30, 2016**

**REQUEST FOR PROPOSALS  
CLAM DEPURATION PLANT OPERATION, MANAGEMENT, AND BUSINESS  
CONSULTANCY SERVICES**

The Borough of Highlands is the owner of a clam depuration facility located at 75 Fifth Street, Highlands, N.J. Its capacity is 240 bushels of clams per day. The Borough is seeking a consultant to provide services related to:

- the determination of a fair market value of a lease for a clam depuration facility;
- the determination of proper lease terms to ensure proper operation of a clam depuration facility;
- the establishment of criteria for the lease bid solicitation process; and
- any other service related to the ownership and lease of a clam depuration facility.

This service is exempt from formal bidding and may be competitively contracted for in accordance with N.J.S.A. 40A:11-4.1(k) and shall be awarded to a proposer based upon an evaluation and ranking, which shall include technical, management, and cost related criteria.

- All proposals shall be mailed/hand delivered to:

Carolyn Cummins, Borough Clerk  
Borough of Highlands  
42 Shore Drive  
Highlands, New Jersey 07732

- All proposals are due on or before March 20, 2015 at 10:00 a.m. at which time they will be publicly opened at the 42 Shore Dr., Highlands, New Jersey, 07732.
- The Borough is not responsible for late mail deliveries and no proposals will be accepted if received after the date and time stipulated above.

**ATTENTION ALL PROPOSERS:**

All proposers must complete, execute and submit the “Documents Checklist” set forth below and include the completed and executed versions of all of the enumerated forms/items set forth below in order for their Proposal to be considered complete. All forms/items must be typewritten or written in ink.

**ALL SUBMISSIONS MUST INCLUDE ONE (1) ORIGINAL PLUS FIVE (5) COPIES.**

**DOCUMENTS CHECKLIST**

Check the box and initial for each document enclosed.

- Proposal Form to the Borough of Highlands\* \_\_\_\_\_
- Non-Collusion Affidavit\* \_\_\_\_\_
- Disclosure of Ownership Form\* \_\_\_\_\_
- Affirmative Action Requirements/Equal Opportunity Notice\*  
(for Proposer’s review, to be included in the final contract) \_\_\_\_\_
- Disclosure of Investment Activities in Iran\* \_\_\_\_\_
- Americans with Disabilities Act of 1990 Language\*  
(for Proposer’s review, to be included in the final contract) \_\_\_\_\_
- Business Registration Certificate \_\_\_\_\_

\*Forms provided by the Borough and enclosed herewith. Proposers must provide all other forms.

Name of Entity: \_\_\_\_\_

Name of Authorized Agent: \_\_\_\_\_

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

**PLEASE NOTE THAT ANY CORRECTIONS, ADDITIONS OR DELETIONS TO THE FORMS PROVIDED SHALL BE INITIALED AND DATED.**

**PROPOSAL FORM**

**BOROUGH OF HIGHLANDS**

**Clam Depuration Plant Operation, Management, and Business Consultancy Services**

With respect to its proposal for Clam Depuration Plant Operation, Management, and Business Consultancy Services for the Borough of Highlands,

\_\_\_\_\_  
Company Name

Does propose to undertake said duties and responsibilities in accordance with the specifications and provisions herein at a cost of:

\$ \_\_\_\_\_  
Dollars

\_\_\_\_\_  
Written Amount of Proposal

This proposal is submitted to the Borough of Highlands on:

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

By: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

**OFFICIAL USE ONLY**

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

## **CLAM DEPURATION PLANT**

### **1. James T. White Clam Depuration Plant**

- a. The Borough of Highlands owns a clam depuration plant, commonly known as the James T. White Clam Depuration Plant (“the Plant”).
- b. The Plant may process 240 bushels of clams per day.
- c. The Borough does not operate the Plant; it currently leases the Plant to an entity, which utilizes a third-party to operate the Plant.
- d. The Borough desires that the Plant and the property remain a clam depuration facility. Accordingly, any proposed lease of the Plant to an entity, shall require the entity to operate the Plant as a clam depuration facility.

## **SCOPE OF SERVICES**

The chosen Consultant must provide the following scope of services:

### **1. Lease Provisions**

- a. The Consultant shall determine the fair market value for the lease of the Plant.
  - i. The Borough shall provide Consultant with an appraisal of the Plant.
  - ii. The Borough shall provide Consultant with such other materials and documentation in the Borough’s possession, which may assist the Consultant in providing the Scope of Services described herein.
- b. The Consultant shall determine the proper lease terms to lease the Plant to an operator for use as a clam depuration facility.

### **2. Public Bidding Process for Lease of the James T. White Clam Depuration Plant**

- a. The Consultant shall assist the Borough to establish criteria for the bid solicitation process in order to lease the Plant in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.
- b. Establishment of criteria for the bid solicitation process outlined in subsection (a), above includes, but is not limited to, assisting in the creation of specifications for the lease terms and working in cooperation with Borough Officials as outlined in Section Three (3), below to develop the specifications for the lease of the Plant.

### **3. Miscellaneous Services to be Provided**

- a. The Consultant shall provide such other services as are reasonably related to the Borough’s ownership of the Plant in furtherance of providing the Scope of Services defined herein.
- b. The Consultant shall provide such other services as are reasonably related to the Borough’s proposed lease of the Plant in furtherance of providing the Scope of Services defined herein.

### **4. Cooperation with Borough Officials**

The chosen Consultant shall:

- a. Work collaboratively with the Borough Administrator and such other Borough Officials as may be necessary to provide the Scope of Services defined herein.
- b. Work collaboratively with the Borough Attorney to draft applicable agreements related to the Borough's ownership of the Plant and/or the proposed lease of the Plant.

## **SELECTION CRITERIA**

The following criteria shall be considered in selecting the chosen Consultant:

- Technical Criteria:
  - o Does the Proposer's proposal demonstrate a clear understanding of the scope of work and related objectives of the Borough?
  - o Is the Proposer's proposal complete and responsive to the within requirements?
- Management Criteria:
  - o Does the Proposer have experience with clam depuration plant operations and management?
  - o What is the Proposer's experience and reputation in the field?
  - o Does the Proposer have sufficient personnel and/or other resources to provide the services requested?
  - o Is the Proposer familiar with the Borough and the James T. White Clam Depuration Plant?
  - o Does the Proposer have the ability to attend Borough meetings, in-person or electronically, as necessary?
- Cost Criteria
  - o How does the cost of the Proposer's proposal compare to other similarly scored proposals?
  - o Is the price and its component charges, fees, etc. adequately explained or documented?
  - o Has the Proposer provided sufficient bonds and guaranties?

A copy of the "Proposal Evaluation Form" to be utilized by the Borough to evaluate the responses received is attached hereto. The "Possible Points" column set forth in the attached "Proposal Evaluation Form" identifies the weight to be ascribed to each category included as part of the Evaluation Criteria.

Following receipt, Proposals will be evaluated by the Borough Administrator. The Borough Administrator shall determine the number of points to be awarded to each Proposer for each category from the total number that is available per category. A higher number of points indicates that the Proposer's Proposal, per category, is considered to be more advantageous to the Borough, and a lower number of points is considered to be less advantageous to the Borough.

After proposals have been evaluated, the Borough Administrator shall prepare a report evaluating and recommending the award of a contract. The report shall list the names of all

potential Proposers who submitted a proposal and shall summarize the proposals of each Proposer. The report shall rank Proposers in order of evaluation, shall recommend the selection of a Proposer or Proposers, as appropriate, for a contract, shall be clear in the reasons why the Proposer or Proposers have been selected among others considered, and shall detail the terms, conditions, scope of services, fees, and other matters to be incorporated into a contract. The report shall be made available to the public at least 48 hours prior to the awarding of the contract, or when made available to the governing body, whichever is sooner. The governing body shall have the right to reject all proposals for any of the reasons set forth in section 21 of P.L.1999, c.440 (C.40A:11-13.2).

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**PROPOSAL EVALUATION FORM\***

Company: \_\_\_\_\_

Evaluation Criteria	Possible Points	Awarded Points	Remarks of Review Committee
Technical Criteria	30		
Management Criteria	30		
Cost Criteria	40		
TOTAL	100		

\*Please see page 6 of this Request for Proposals for a complete list of the sub-criteria to be considered by the Borough in evaluating the Proposer's proposal.



**INFORMATION FOR PROPSECTIVE PROPOSERS**  
**(FAIR & OPEN PUBLIC SOLICITATION PROCESS)**

1B.1 **RECEIPT OF PROPOSALS.**

1B.1.1 **OWNER AND PROJECT.**

The Borough of Highlands, Monmouth County, New Jersey (hereinafter the “Borough”) invites responses to this Request for Proposals for the services mentioned herein.

1B.1.2 **TIME AND PLACE FOR RECEIPT OF PROPOSALS.**

Proposals will be received by the Borough at the date and place mentioned in the Notice. No Proposals shall be accepted after the time specified.

1B.1.3 **INFORMAL PROPOSALS.**

The Borough may consider informal any Proposal not prepared and submitted in accordance with the provisions hereof and may waive any informalities or reject any/or all Proposals.

1B.1.4 **WITHDRAWING PROPOSALS.**

Proposals forwarded to the Borough before the date of opening of Proposals may be withdrawn upon written application of the entity making the Proposal who shall be required to produce evidence showing that he is or represents the principal or principals involved in the Proposal.

1B.2 **QUALIFICATIONS.**

Each Proposal shall provide documentation of the qualifications of all field personnel and staff members that will be assigned to this project including the number of employees that will be specifically performing the functions of the project.

1B.2.1 **PAST PERFORMANCE.**

Each Proposal shall provide documentation of past performance of the same and/or similar services. The documentation provided pursuant to this section shall include evidence of the following, if any exists:

- Proposer’s experience with clam depuration plant operations and management
- Proposer’s experience and reputation in the field
- Proposer’s familiarity with the Borough of Highlands and the James T. White Clam Depuration Plant

In the event a Proposer does not have experience/familiarity, please so indicate.

1B.2.2 **REFERENCES.**

Each Proposal shall provide references and a record of success of the same and/or similar services.

1B.2.3 **DESCRIPTION OF ABILITIES.**

Each Proposal shall provide a description of the firm’s or entity’s ability to provide the services in a timely fashion, including staffing, familiarity and location of key staff.

1B.3 **AWARD AND EXECUTION OF CONTRACT**

The Borough of Highlands shall award the contract or reject all proposals within the time

specified in the request for proposals, but in no case more than 60 days, except that the proposals of any Proposers who consent thereto may, at the request of the Borough of Highlands, be held for consideration for such longer period as may be agreed. All Proposers will be notified of the Borough of Highland's decision, in writing, by certified mail.

The contract awarded shall be executed in accordance with N.J.S.A. 40A:11-14.

1B.4            APPROPRIATION OF FUNDS

Any contract awarded pursuant to this Request for Proposals shall be subject to the availability and appropriation annually of sufficient funds as may be required to meet the Borough's obligations.

1B.5            AFFIRMATIVE ACTION REQUIREMENTS

If awarded a contract, the successful Proposer will be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. Please see the Affirmative Action Requirement/Certification contained herein and complete as appropriate.

1B.6            EQUAL OPPORTUNITY AND AMERICANS WITH DISABILITIES ACT OF 1990 REQUIREMENTS

If awarded the contract, the Proposer, 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.

**NON-COLLUSION AFFIDAVIT**

STATE OF NEW JERSEY:

: ss.

COUNTY OF:

I, \_\_\_\_\_ of the Municipality of \_\_\_\_\_ in the County of \_\_\_\_\_ and the State of New Jersey, of full age, being sworn according to law on my oath depose and say that I am \_\_\_\_\_ (Title) of the firm of \_\_\_\_\_ the Proposer making the Proposal for the above named project, and that I executed the said Proposal with full authority so to do; that said Proposer has not, directly or indirectly, entered into an agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive Proposal submission 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 Municipality relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the Contract for said project.

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_

Notary Public, State of \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(By)

**DISCLOSURE OF OWNERSHIP INTEREST OF INDIVIDUAL(S) OWNING 10% OR MORE OF STOCK OR INTEREST IN THE PROPOSER'S BUSINESS ENTITY**

In accordance with N.J.S.A. 52:25-24.2, no corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, Subchapter S Corporation or sole proprietorship, shall be awarded a Contract unless prior to the receipt of the Proposal or accompanying the Proposal of the corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, Subchapter S Corporation or sole proprietorship, there is submitted to the MUNICIPALITY, a statement setting forth the names and addresses of all stockholders who own 10% or more of stock, of any class or of all individual partners who own a 10% or greater interest in the corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, Subchapter S Corporation or sole proprietorship. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of that corporation's stock, or the individual partners owning 10% 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 non corporate stockholder and individual partner, exceeding the 10% ownership criteria established in this act has been listed. This form shall be submitted with the Proposal whether or not a stockholder or partner owns less than 10% of the business submitting the Proposal.

Date: \_\_\_\_\_ **LEGAL NAME OF PROPOSER:** \_\_\_\_\_

**Check which business entity the Proposer is:**

**Type of Corporations:**

- Limited Liability Corporation
- Subchapter S Corporation

**Type of Partnerships:**

- Limited Partnership
- Limited Liability Partnership

Sole Proprietorship

Complete if the Proposer is one of the 3 Types of Corporations:

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

Where Incorporated: \_\_\_\_\_

**NOTE: If no Stockholder or partner owns 10% or more of the business submitting the Proposal, please sign and date this form.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Municipality State Zip

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Fax

Listed below are the names and addresses of all stockholders or individuals who own ten (10) percent or more of its stock of any classes, or who own ten (10) percent or greater interest herein.

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Address**

**NOTICE TO PROPOSERS**  
**AFFIRMATIVE ACTION REQUIREMENTS**  
**N.J.S.A. 10:5-31 and N.J.A.C. 17:27**  
**PROCUREMENT AND SERVICE CONTRACTS**

“Proposers are required to comply with the requirements of P.L. 1975, c. 127” (N.J.A.C. 17:27)

**A. ALL PROPOSERS**

1. Within seven (7) days after receipt of notification of intent to award the Contractor receipt of the Contract, whichever is sooner, the successful Proposer must submit one of the following forms of evidence:
  - a) A Federal Letter of Affirmative Action Plan Approval from the U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP). This letter cannot be more than one year old from the date of issuance.

**OR**

- b) A State of New Jersey Certificate of Employee Information Report.

**OR**

- c) A completed Affirmative Action Employee Information Report (Form AA302).

**Please note** that the Affirmative Action Affidavit for Proposers having less than fifty (50) employees is no longer acceptable.

2. The successful Proposer(s) may obtain the Affirmative Action Employee Information Report (AA302) from the Purchasing Division during normal business hours.
3. The successful Proposer(s) must submit the white and canary copies of the (AA302) Report to the State Affirmative Action Office. The pink copy is submitted to the public agency, and the gold copy is retained by the Proposer.

**B. THE FOLLOWING QUESTIONS MUST BE ANSWERED BY ALL PROSPECTIVE PROPOSERS:**

1. Do you have a Federal Letter of Affirmative Action Plan Approval? This letter cannot be more than one year old from the date of issuance.

Yes \_\_\_\_\_ No \_\_\_\_\_

- a) If yes, please submit a photo copy of such approval. **If no,**

**NOTICE TO PROPOSERS**  
**AFFIRMATIVE ACTION REQUIREMENTS**  
**N.J.S.A. 10:5-31 and N.J.A.C. 17:27**  
**PROCUREMENT AND SERVICE CONTRACTS**  
(Continued)

2. Do you have a State of New Jersey Certificate of Employee Information Report?

Yes \_\_\_\_\_ No \_\_\_\_\_

a) If yes, please submit a photo copy of such approval.

**If no,**

3. Proposers must complete an Affirmative Action Employee Information Report (AA302) obtained from the Purchasing Division during normal business hours.

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

The undersigned Proposer certifies that he/she is aware of the commitment to comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27) and agrees to furnish the required forms of evidence.

The undersigned Proposer further understands that his/her Proposal must be rejected as non-responsive if said Contractor fails to comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27).

\_\_\_\_\_  
Company

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Mandatory Equal Employment Opportunity Language -Notice  
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 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, 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 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.

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  
Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at [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 **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

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**AMERICANS WITH DISABILITIES ACT OF 1990**  
**Equal Opportunity for Individuals with Disability**

The contractor and the Borough of Highlands (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. 12101 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.

**DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN- BOROUGH OF HIGHLANDS**

Bidder/Proposer: \_\_\_\_\_

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 Borough of Highlands 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 bid/proposal:

- A. 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
- B. 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 Borough of Highlands under penalty of perjury. Failure to provide such will result in the bid/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 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: _____	
_____	
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 and the Borough of Highlands are 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 and the Borough of Highlands to notify the State and the Borough of Highlands 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/or the Borough of Highlands and that the State and the Borough of Highlands may at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_