

**OLD TAPPAN BOARD OF EDUCATION
Business Office**

*277 Old Tappan Rd.
Old Tappan, NJ 07675*

**REQUEST FOR PROPOSAL
(RFP)**

Architectural Services

RFP 12-01

Submission Date:

**Tuesday, January 31, 2012
9:00 a.m.**

OLD TAPPAN BOARD OF EDUCATION
Business Office
277 Old Tappan Rd.
Old Tappan, New Jersey 07675

REQUEST FOR PROPOSAL
ARCHITECTURAL SERVICES

RFP 12-01

A. PURPOSE

In accordance with *N.J.S.A. 19:44A-20.4 et seq.*, the Old Tappan Borough Board of Education is requesting proposals (RFP) from architectural firms in the State of New Jersey that wish to provide general architectural services to the Old Tappan Borough Board of Education as directed by the Board. It is the intention of the Old Tappan Borough Board of Education to appoint architectural firms to provide architectural services to the Board of Education for the remainder of the 2011-2012 school year and two additional years at the Board's option for the 2012-2013 and 2013-2014 school years. Under *N.J.S.A. 18A:18A-5(1)*, professional services are not required to be bid or advertised and the Board is not required to award a contract on the basis of the lowest responsible bidder, but will award the contract based on criteria as outlined in this Request for Proposals. The requests are being made to ensure the District receives the highest quality service at a fair and competitive price.

The Old Tappan School District operates a K-8 educational program for over 750 students, and is organized into one elementary school and one middle school.

B. SCOPE OF SERVICE/QUALIFICATIONS OF RESPONDENTS

1. The Old Tappan Borough Board of Education is requesting proposals from New Jersey licensed architects interested in providing Architectural Services as the Architect of record for the Old Tappan Borough School District.
2. Architect's Responsibilities shall be as follows:
 - a. The Architect shall provide all architectural services as requested by the Board. The Architect must have working knowledge of the approval process for school facilities. The Architect shall prepare plans and specifications for each Project authorized by the Board and submit same to all governmental authorities with jurisdiction

over this Project. The Architect shall also amend the District's Long Range Facilities Plan, if necessary.

- b. The Architect shall work cooperatively with the Board Attorney in the bidding, award and closeout of any projects. The Architect shall assist the Board in recommending professional services, such as engineers and other experts. The Architect must be available at all times for emergencies and for assistance in resolving problems which may arise.
 - c. The Architect must have a minimum of ten (10) years' experience in providing architectural services for New Jersey public schools, including programming, design, cost estimating, preparation of construction documents, bid development, bid evaluation, construction administration, final inspection and project acceptance.
3. Proposals are being solicited through a fair and open process. Under *N.J.S.A. 18A:18A-5(1)*, professional services are not required to be bid or advertised and the Board is not required to award a contract on the basis of the lowest responsible bidder, but will award the contract based on criteria as outlined in this Request for Proposals. The requests are being made to ensure the District receives the highest quality service at a fair and competitive price.
 4. The Old Tappan Board of Education shall not be bound to use the appointed Architect of Record. The Board may obtain competitive pricing through either a RFP/RFQ or quotation process from other architectural firms for any projects approved by the Board when it is the best interest of the Board.

ALL SUBMISSIONS SHALL INCLUDE THE FOLLOWING MINIMUM INFORMATION:

1. Name of the contractor(s) to be assigned to perform the tasks.
2. Professional experience and education of the contractor(s) to be assigned including a listing of any experience with the Old Tappan School District and/or experience with other school districts.
3. A statement concerning the ability of the contractor(s) to perform tasks assigned by Old Tappan School District in a timely fashion.
4. Professional licenses and certifications held by the contractor(s) to be assigned.

5. A description of the support staff available to the contractor(s) to be assigned.
6. A copy of the Certificate of Insurance issued by an insurance carrier licensed in the State of New Jersey for the contractor showing the amount of professional liability insurance and all other coverage shall be required upon award of contract.
7. References:
 - a. A list of four (4) professional references with addresses and telephone contract numbers. Three (3) must have direct knowledge relating to your experience in the requested service.
 - b. A list of projects, including at least three (3) schools, on which you are currently the Architect or which were completed in the last two (2) years.
 - c. List the names, addresses and telephone numbers of the construction managers with whom you have worked.
 - d. List all construction companies, construction managers and professional consulting firms, which are utilized by your firm and in which any principal and/or employee of your firm has a financial interest.
 - e. List the caption(s) of any and all actions which have been filed against you, either by way of complaint, cross-claim or counterclaim, in connection with your rendering of architectural services.

C. CONTRACT PERIOD

The term of contract for Title of Proposal shall be from January 1, 2012 through June 30, 2012 with two additional years at the Board's option for 2012-13 and 2013-2014.

D. COORDINATION OF ACTIVITIES

All activities for this contract will be coordinated through the office of

Mr. Douglas Barrett, CPA/ School Business Administrator
201-664-1421 extension 2503 / barrett@nvnet.org

E. PRESENTATION PACKAGE – Submit the RFP Response

The Old Tappan Board of Education seeks from all participating respondents, information that will assist the district in selecting the respondent who will provide the highest quality services at a fair and competitive price.

All respondents shall prepare a presentation package to be submitted with the RFP.

The following shall be included in the presentation package:

1. **Transmittal Letter** – Proposal

Each respondent shall submit a transmittal letter with the RFP that identifies the person submitting the proposal and includes a commitment by that person to provide the service required by the Old Tappan Board of Education.

2. **Description of Services**

All respondents should list all services to be rendered with their explanation in detail of how the services will be provided. Respondents by submitting a proposal acknowledge that they fully understand the scope of work, activity and service.

3. **Qualifications; Relevant Experience**

All respondents shall submit evidence and documentation highlighting qualifications and experience they have that will assist the district in the evaluation and selection process.

4. **Fee Proposal**

Provide a cost proposal based upon either a flat fee, an hourly rate with an amount not to exceed, or a percentage based upon a range of the estimated cost of construction on a project-by-project basis, or any combination thereof and include the fee for updating, submitting and amending the Long Range Facilities Plan. Include a list of hourly rates, a description of Additional Services and Reimbursable Expenses.

Fees for the services of consultants (e.g. engineers) shall not exceed a multiple of 1.10 times the amount billed to the architect for said services.

Fees for reimbursable expenses shall not exceed a multiple of 1.1 times the amount billed to the architect for said reimbursable expense.

5. Letter of Transmittal

The letter of transmittal is to be addressed and mailed to:

Mr. Douglas Barrett, CPA
School Business Administrator
Old Tappan Board of Education
277 Old Tappan Rd.
Old Tappan, NJ 07675

Reminder: The Letter of Transmittal and the Presentation Package are to be submitted with the RFP package.

F. SUBMISSION OF RFP PACKAGE

All RFP Proposal Packages including the Letter of Transmittal and the Presentation Package are to be addressed to:

Mr. Douglas Barrett, CPA
School Business Administrator
Old Tappan Board of Education
277 Old Tappan Rd.
Old Tappan, NJ 07675

G. SUBMISSION DEADLINE

The deadline to submit all RFP Packages is

Tuesday, January 31, 2012
9:00 a.m.

H. AWARD OF CONTRACT

The procedures developed for the award of the contract constitutes a “fair and open” process. The Superintendent of Schools and/or Business Administrator may arrange for interviews with Architects submitting proposals for the purpose of obtaining additional clarification or information, with such interviews taking place before the Board of Education and/or an Ad Hoc Committee (not all firms submitting an RFP will necessarily be asked to participate in an interview). Performance on the interview shall be considered in accordance with the criteria below.

A decision on whether the contract will be awarded and to whom it will be awarded shall be made within sixty (60) days from the date the proposals are opened. The contract, if awarded, shall be awarded to the Architect who submits the most advantageous proposal based on price and the

qualifications of the Architect and other factors considered. The evaluation will consider:

I. Technical Criteria and Qualifications (Fifty Percent 50%):

The following criteria will be considered by the Board in evaluating the proposals submitted in response to this Request for Proposals:

A. Proposed methodology:

1. Does the Architect’s proposal demonstrate a clear understanding of the scope of services and related objectives?
2. Is the Architect’s proposal complete and responsive to the specific RFP requirements?
3. Has the past performance of the Architect’s proposed methodology been documented?
4. Does the Architect’s proposal reflect that the Architect is well versed in all applicable requirements and practices?

II. Management criteria: (Thirty Percent 30%):

A. Management:

1. Will the Architect provide all services in a timely fashion to meet the Board’s needs?
2. Will a principal of the Architect be available to attend Board meetings when requested?
3. How is work distributed among the Architect’s staff, if there are principals and associates?

B. History and experience in performing the work:

1. Does the Architect document a record of reliability of timely response?
2. Does the Architect demonstrate a track record of reliable and competent service?
3. Does the Architect demonstrate expertise in environmentally and sustainable design (“green design”) and energy efficient strategies?

4. Does the Architect document industry experience?
 5. Does the Architect have a record of moral integrity?
- C. Availability of personnel, facilities, equipment and other resources:
1. To what extent does the Architect rely on in-house resources as opposed to contracted resources?
 2. Are the availability of in-house and contract resources documented?
- D. Qualification and experience of personnel:
1. Documentation of experience in performing similar work by employees and when appropriate, sub-consultants.
 2. Documentation of oversight and mentoring of newer/inexperienced employees.
 3. Documentation of LEED accredited professionals.

III. Cost criteria: (Twenty Percent 20%):

- A. Cost of services to be performed:
1. Relative cost: How does the fee schedule compare to other similarly scored proposals?
 2. Full explanation: Is the price and its component charges adequately explained or documented?
- B. Architect's financial stability and strength:
1. Does the Architect have sufficient financial resources to meet its obligations?

I. AUTHORIZATION TO WORK

No service shall be rendered unless the successful respondent receives an approved purchase order authorizing the respondent to render the service.

J. DOCUMENTS TO BE SUBMITTED WITH THE PROPOSAL

- Form of Proposal (Presentation Package with all required sections)
- References, List of Projects and Litigation

- Vendor Certification
- Affirmative Action Questionnaire;
- Stockholders Disclosure Statement;
- New Jersey Business Registration Certificate;
- Chapter 271 Political Contribution Disclosure Form; and
- Non-Collusion Affidavit.

K. CONTRACTS

Upon notification of award of contract by the Old Tappan Board of Education, the successful respondent shall sign and execute a formal contract agreement with the Board of Education.

The successful respondent shall sign and execute said contract and return it together with documents required by the district such as but not limited to:

- Professional Liability Certificate;
- Criminal History Background evidence;
- Other required documents as may be outlined in the proposal specifications

Within ten (10) days of receipt of notification of award of contract, the executed contracts and related documents must be returned to:

Mr. Douglas Barrett, CPA
 School Business Administrator
 Old Tappan Board of Education
 277 Old Tappan Rd.
 Old Tappan, NJ 07675

M. AFFIRMATIVE ACTION REQUIREMENTS

Each respondent 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:

- i. Appropriate evidence that the respondent is operating under an existing federally approved or sanctioned affirmative action program; or
- ii. A certificate of employee information report approval issued in accordance with *N.J.A.C. 17:27-4*; or
- iii. 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*.

Please note: A completed and signed Affirmative Action Questionnaire is required with submission of proposal. However, the Board will accept in lieu of the Questionnaire, Affirmative Action Evidence stapled to the Affirmative Action Questionnaire form.

“If awarded a contract your company/firm 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.*”

N. BUSINESS REGISTRATION CERTIFICATE (*N.J.S.A. 52:32-44*)

Pursuant to *N.J.S.A. 52:32-44* as amended by *P.L. 2004 – Chapter 57*, all respondents shall submit with their proposal package a copy of their “New Jersey Business Registration Certificate” as issued by the Department of Treasury of the State of New Jersey. Failure to provide the New Jersey Business Registration Certification with the proposal package may be cause for the rejection of the entire proposal.

Goods and Services Contracts

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that **knowingly** provide goods or perform services for a contractor fulfilling this contract: **1)** The contractor shall provide written notice to its subcontractors to submit proof of business registration to the contractor; **2)** prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors or attest that none was used; **3)** during the term of this contract, the contractor and its affiliates shall collect, remit, and notify all subcontractors and their affiliates that they must collect and remit to the Director of the New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (*N.J.S.A. 54:32B-1 et seq.*) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements is available by calling (609) 292-9292.

O. TERMINATION OF CONTRACT

If the Board determines that the contractor has failed to comply with the terms and conditions of the bid and/or proposal upon which the issuance of the contract is based or that the contractor has failed to perform said service, duties and or responsibilities in a timely, proper, professional and/or efficient manner, then the Board shall have the authority to terminate the contract upon written notice setting forth the reason for termination and effective date of termination.

Termination by the Board of the contract does not absolve the contractor from potential liability for damages caused the District by the contractor's breach of this agreement. The Board may withhold payment due the contractor and apply same towards damages once established. The Board will act diligently in accordance with governing statutes to mitigate damages. Damages may include the additional cost of procuring said services or goods from other sources.

The contractor further agrees to indemnify and hold the District harmless from any liability to subcontractors or suppliers concerning work performed or goods provided arising out of the lawful termination of this agreement.

P. FALSE MATERIAL REPRESENTATION– *N.J.S.A. 2C:21-34-97(b)*

A person commits a crime if the person knowingly makes a material representation that is false in connection with the negotiation, award or performance of a government contract. If the contract amount is for \$25,000.00 or above, the offender is guilty of a crime of the second degree. If the contract amount exceeds \$2,500.00, but is less than \$25,000.00, the offender is guilty of a crime of the third degree. If the contract amount is for \$2,500.00 or less, the offender is guilty of a crime of the fourth degree.

Q. POLITICAL CONTRIBUTION DISCLOSURE STATEMENT – PAY TO PLAY

A business entity as defined by law is advised of its responsibility to file an annual disclosure statement on political contributions with the **New Jersey Election Law Enforcement Commission** pursuant to *N.J.S.A. 19:44A-20.13 (P.L. 2005 Chapter 271 section 3)* if the business entity receives contracts in excess of \$50,000 from public entities in a calendar year. It is the business entity's responsibility to determine if filing is necessary. Additional information on this requirement is available from the New Jersey Election Law Enforcement commission at 1-888-313-3532 or at www.elec.nj.us.

Pursuant to *N.J.A.C. 6A:23A-6-3 (a1-4)* please note the following:

Award of Contract -- Reportable Contributions -- *N.J.A.C. 6A:23A-6.3 (a2)*

“No board of education will vote upon or award any contract in the amount of \$17,500 or greater to any business entity which has made a contribution reportable by the recipient under *P.L. 1973, c83* (codified at *N.J.S.A. 19:44A-1 et. seq.*) to a member of the board of education during the preceding one year period.”

Contributions During Term of Contract – Prohibited -- *N.J.A.C. 6A:23A-6.3 (a2,3)*

“Contributions reportable by the recipient under *P.L.* 1973, c83 (codified at *N.J.S.A.* 19:44A-1 et. seq.) to any member of the school board from any business entity doing business with the school district are prohibited during the term of the contract.”

“When a business entity referred in 4.1(e) is a natural person, contribution by that person’s spouse or child that resides therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.”

**Chapter 271 Political Contribution Disclosure Form – Required --
N.J.A.C. 6A:23A-6.3 (a4)**

All bidders shall submit with their bid package a completed and signed Chapter 271 Political Contribution Disclosure Form. The Chapter 271 form will be reviewed by the district to determine whether the vendor is in compliance with the aforementioned *N.J.A.C.* 6A:23A-6.3 (a2) Award of Contract.

R. INTERPRETATIONS AND ADDENDA

No interpretation of the meaning of the specifications will be made to any Respondent orally. Every request for such interpretations should be made in writing to the Purchasing Agent and must be received at least ten (10) days prior to the date fixed for the opening of Proposals to be given consideration. Any and all interpretations and any supplemental instructions will be distributed in the form of a written addenda to the specifications. The addenda will be provided in accordance with *N.J.S.A.* 18A:18A-21(c) to the respondents by certified mail or certified fax no later than seven (7) days Saturdays, Sundays, and holidays excepted, prior to the date for acceptance of Proposals. All addenda so issued shall become part of the contract document.

S. SUBCONTRACTING; ASSIGNMENT OF CONTRACT

Contractors, services providers, and all vendors with whom the Board of Education has an executed contract may not subcontract any part of any work done or consign any contract for goods or materials for the Board without first receiving written permission from the Purchasing Agent.

T. INDEMNIFICATION

The Architect shall be responsible for all damage to life and property due to negligent activities of the Architect, its subconsultants, subcontractors, agents or employees, in connection with its performance of professional services under this Agreement. The Architect specifically agrees that its subconsultants, subcontractors, agents or employees shall possess the experience and knowledge necessary to qualify them individually for the particular duties they perform. Moreover, the Architect shall indemnify and save harmless the Owner from and against all losses, claims, demands, payments, suits, damages, including reasonable attorney’s fees, recoveries and judgment brought or recovered against it by reason of any error, omission or negligent or intentional act of the Architect, its agents, employees, subcontractors or subconsultants in its performance of professional services under this Agreement, including but not limited to any errors in or omissions from the Project Drawings and Specifications.

U. INSURANCE

Architect agrees to obtain and maintain for the entire term of this Agreement the following insurance coverage:

	Per Occurrence
General Comprehensive and Liability.....	\$1,000,000
Automobile Liability.....	\$1,000,000
Professional Liability (per claim)	\$1,000,000
Professional Liability (aggregate)	\$2,000,000
Excess Umbrella.....	\$4,000,000
Workers’ Compensation.....	Statutory
Employer Liability	\$ 500,000 (each accident)

Prior to the commencement of the project, the Architect shall furnish certificates of insurance from an insurance company licensed to do business in the State of New Jersey to the Owner establishing that it has personal and professional liability, property damage and workers’ compensation insurance coverage as set forth above, for all services in connection with this Agreement. Full coverage must be provided for the Architect, its agents and employees, the Owner, its agents and employees, any subconsultant and any member of the public who may be injured or suffer damage from any act of the Architect and its employees and agents. The Owner and Construction Manager, if any, shall be named as additional named insured,

as their interests shall appear on all general comprehensive insurance policies. All policies must incorporate a provision requiring the giving of notice to the Owner by certified mail, return receipt requested, at least thirty (30) days prior to the cancellation or nonrenewal of any insurance policy required herein. If any project is funded, in part, from State funds pursuant to a Section 15 grant from the SDA, the Architect shall also name the State of New Jersey, the New Jersey Economic Development Authority, the SDA and the New Jersey Department of Education as additional named insureds on said insurance policies. Professional liability insurance shall be maintained for a period of five (5) years after the date of final payment to the Architect, or for such term as is commercially available.

V. MISCELLANEOUS PROVISIONS

1. The procedures developed for the award of the contract constitutes a “fair and open” process. All Architects are required to provide sufficient information in their proposals for evaluation. The Superintendent of Schools and/or Business Administrator shall conduct a preliminary evaluation of all proposals on the basis of the information provided with the proposal, the ability of the Architect to perform, on past performance, the ability to meet the time requirement and understanding of the work to be performed.
2. The Architect acknowledges that he/she has read this Request for Proposal, understands it, and agrees to be bound by its terms and conditions. Proposals must be submitted prior to the time and date specified, by mail, or hand delivered to the Board of Education. No facsimile or e-mail proposals will be accepted.
3. The Board reserves the right to reject any or all proposals in whole.
4. The Board reserves the right to contact references provided with the proposal.
5. Any departures from this Request for Proposals must be noted. Any conditions or terms must be written and included with the RFP.
6. Proposed Architects shall be licensed or authorized to practice architecture in the State of New Jersey.
7. Include any additional information which you believe will be useful to the Board in its selection process.

VENDOR CERTIFICATION

Name of Company _____

Street Address _____ PO Box _____

City, State, Zip _____

Business Phone Number (____) _____ Ext. _____

Fax No. (____) _____ E-Mail _____

Years in Business _____ Number of Employees _____

Direct/Indirect Interests

I declare and certify that no member of the Board of Education, nor any officer or employee or person whose salary is payable in whole or in part by said Board of Education or their immediate family members are directly or indirectly interested in this Request for Proposal or in the services to which it relates, or in any portion of profits thereof. If a situation so exists where a Board member, employee, and/or officer of the board has an interest in the Request for Proposal, then please attach a letter of explanation to this document, duly signed by the president of the firm or company.

Gifts; Gratuities; Compensation

I declare and certify that no person from my firm, business, corporation, association or partnership offered or paid any fee, commission or compensation, or offered any gift, gratuity or other thing of value to any school official, board member or employee of the Board of Education.

Vendor Contributions

I declare and certify that I fully understand *N.J.A.C. 6A:23A-6.3(al-4)* concerning vendor contributions to school board members. I certify that I am not an official or employee of the Board of Education. I further certify that I understand that it is a crime in the second degree in New Jersey to knowingly make a material representation that is false in connection with the negotiation, award or performance of a government contract.

President or Authorized Agent

Signature

II.

Name of Corporation
Partnership who holds 10% or
more interest in the bidding
corporation/partnership

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

Use reverse side for additional stockholders/partners.

The absence of any names and addresses on the foregoing list signifies that there are no individual stockholders or partners who own 10% or more interest in the bidding corporation or partnership.

Name of Firm

By: _____

Name

Official Title

Sworn before me this _____
day of _____, 20__.

Notary Public of _____
My Commission expires __/__/__.

Certification on Behalf of a Company, Partnership or Organization and All Individuals Whose Contributions are Attributable to the Entity Pursuant to Executive Order No. 117 (2008)

I hereby certify as follows:

On or after November 15, 2008, neither the below-named entity nor any individual whose contributions are attributable to the entity pursuant to Executive Order No. 117 (2008) has solicited or made any reportable contribution of money or pledge of contribution, including in-kind contributions or company or organization contributions, to the following:

- a) Any candidate committee and/or election fund of the Governor;**
- b) A State political party committee;**
- c) A legislative leadership committee;**
- d) A county political party committee; or**
- e) A municipal political party committee.**

I certify as an officer or authorized representative of the Company or Organization identified below that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Name of Company, Partnership or Organization:

Signed: _____ **Title:** _____

Print Name: _____ **Date:** _____

Circle One of the Following Which Applies:

(a) The Company, Partnership or Organization is the vendor;

or

(b) the Company, Partnership or Organization is a Principal (more than 10% ownership or control) of the vendor, a Subsidiary controlled by the vendor, or a Political Organization (e.g., PAC) controlled by the vendor.

**Please note that if the person signing this Certification is not signing on behalf of all individuals whose contributions are attributable to the entity pursuant to Executive Order No. 117 (2008), each of those individuals will be required to submit a separate individual Certification.*

Individual Certification of Compliance with Executive Order No. 117 (2008)

I hereby certify as follows:

On or after November 15, 2008, I have not solicited or made any reportable contribution of money or pledge of contribution, including in-kind contributions or company or organization contributions, to the following:

- a) Any candidate committee and/or election fund of the Governor;**
- b) A State political party committee;**
- c) A legislative leadership committee;**
- d) A county political party committee; or**
- e) A municipal political party committee.**

I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Signed: _____

Print Name: _____ **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.

* 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.”

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To *N.J.S.A. 19:44A-20.26*

**This form or its permitted facsimile must be submitted to the local unit
no later than 10 days prior to the award of the contract.**

Part I – Vendor Information

Vendor Name:			
Address:			
City:		State:	Zip:

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of *N.J.S.A. 19:44A-20.26* and as represented by the Instructions accompanying this form.

Signature	Printed Name	Title
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Part II – Contribution Disclosure

Disclosure requirement: Pursuant to *N.J.S.A. 19:44A-20.26* this disclosure must include all reportable political contributions (more than \$300 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

Check here if disclosure is provided in electronic form.

Contributor Name	Recipient Name	Date	Dollar Amount
			\$

Check here if the information is continued on subsequent page(s)

EXHIBIT A

Mandatory Equal Employment Opportunity Language N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27 Goods, Professional Services 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 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 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 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, 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 www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the Division 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 Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant **to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

The failure to submit such appropriate evidence will result in rescission of the contract.

AFFIRMATIVE ACTION QUESTIONNAIRE AND CERTIFICATION

For Compliance with Affirmative Action Regulations

1. **Do you have federal approval?** Yes No

This means a letter from a Federal Agency stating the company name and address as having submitted their Affirmative Action Plan and their plans being approved.

If yes, please submit a copy of the same.

2. **Do you have (or also have) a State Certificate of Employee Information Report Approval?** Yes No If yes, please submit a copy of this certificate.

3. **If you do not have either of the above, please submit a copy of Affirmative Action Employee Information Report (AA302).** This form can be electronically provided by the Division and distributed to the public agency through the Division’s website: http://www.state.nj.us/treasury/contract_compliance/forms.shtml.

I answered no to both #1 and #2 above, and I thus hereby certify that our Company has never before applied for a Certificate of Employee Information Report in accordance with the rules promulgated by the State Treasurer pursuant to *N.J.S.A. 10:5-31 et seq.*, as amended and supplemented from time to time and I agree to submit immediately a copy of the Employee Information Report (AA-302) to the Division of Public Contracts Equal Employment Opportunity Compliance, Department of Treasury, P.O. Box 209, Trenton, NJ 08625.

I, _____ being duly sworn according to law, depose and say that I am a duly authorized representative of the Contractor, _____. I hereby certify that I am aware of the equal employment opportunity and affirmative action in public contracting requirements set forth in *N.J.S.A. 10:5-31 et seq.* and *N.J.A.C. 17:27-1 et seq.*, and that the Contractor is in compliance with the requirements therein. I hereby agree that the Contractor shall make good faith efforts to provide equal employment opportunity for minorities and women. I am aware that the failure to make good faith efforts to provide equal employment opportunity for minorities and women may result in fines/penalties, suspension/debarment, a determination to lower the firm’s aggregate rating or such other action as provided by law.

I certify that the above information is correct to the best of my knowledge.

SIGNATURE _____ NAME _____
DATE _____ TITLE _____