

# **PUBLIC NOTICE**

## **AH/HRSA REQUEST FOR PROPOSALS**

**POSITION: AHHRSA ATTORNEY, February 23, 2012 through February 21, 2013**

**SUBMISSION DEADLINE & PUBLIC OPENING: Thursday, February 16, 2012, at  
1 PM**

**DELIVERY LOCATION & PUBLIC OPENING: AH/HRSA, Atlantic Highlands  
Borough Hall, 100 First Avenue, Atlantic Highlands, New Jersey 07716.**

Through a Fair and Open process and in accordance with N.J.S.A. 19:44A-20.4, et seq., the Atlantic Highlands/Highlands Regional Sewerage Authority (AHHRSA) is requesting sealed proposals to contract for the above Professional Services. The Proposals will be publicly opened and read aloud by a representative of the AHHRSA at the Atlantic Highlands Borough Hall, 100 First Avenue, NJ, 07716, at the date and time shown above.

Further details and requirements are contained in the additional pages of the AHHRSA's Proposal Submission Package which is posted at [www.AHHRSA.org](http://www.AHHRSA.org). Questions should be directed to the AHHRSA Administrator David Palamara at 732-977-2100, or by email to [Dave@AHHRSA.org](mailto:Dave@AHHRSA.org), or by fax at 732-291-3055. All interpretations or clarifications which will be relied upon, or could impact, a proposal shall be submitted by email. The Authority will promptly copy questions received plus the answer or decision regarding each to all prospective proposers using their known email address or other address they designate.

Proposals must comply with all items listed in the additional pages of AHHRSA's Proposal Submission Package. Proposals will be evaluated by the AHHRSA with due consideration to the qualifications, experience and quotations submitted plus other factors and criteria determined to be the most advantageous to the AHHRSA. The right is reserved to reject any or all proposals if it is deemed to be in the best interest of the AHHRSA to do so.

By order of the AHHRSA, David Palamara, Administrator.

# **SUBMISSION NOTICE**

**The following document is for public information only; it is correct as of the date of posting but is subject to revision prior to the Proposal Submission Deadline.**

**Anyone wishing to submit a Proposal must provide contact information sufficient for notification of any revisions and receive an official Proposal Submission Package.**

**The official Proposal Submission Package can be requested by mail from the Atlantic Highlands/ Highlands Regional Sewerage Authority, PO Box 72, Atlantic Highlands, NJ 07716; or by fax from 732-291-3055; or by email from the following link, [Dave@ahrsa.org](mailto:Dave@ahrsa.org)**

**Any questions should be directed to the Authority using the above information or by calling 732-977-2100.**

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## **SCOPE OF SERVICES**

The AHHRSA Attorney generally provides assigned legal work, representation and related work determined to be appropriate by the AHHRSA. Duties include, but are not limited to: attendance at monthly and special AHHRSA meetings (the AHHRSA may determine that attendance is not necessary for some meetings); review of correspondence, contracts, performance guarantees and files; representation of the AHHRSA before all courts and administrative agencies; preparation or review of resolutions, status reports and other reports; other legal duties typically provided to authorities and/or municipalities; periodic status updates with the Administrator; and other work; as directed by the AHHRSA or its Administrator.

The position shall be a one-year appointment for the term shown in the Public Notice, except that this appointment shall continue until a successor is appointed by the AHHRSA.

The AHHRSA, at its sole discretion, may appoint a special attorney for a specific project even if that task is listed above. A special attorney may also provide legal services described above or other legal services with the approval of the AHHRSA Attorney and under his/her direction, and subject to approval of the AHHRSA or its Administrator.

The contract amount for this service shall not exceed \$20,000 for the above work but all billing shall be based upon actual work done and the rates quoted in the Proposal Submission, subject to this limit. AHHRSA reserves the right to negotiate with qualified professionals as to compensation and other contract terms.

## **GENERAL CONDITIONS**

A Contract similar to the AHHRSA's existing professional contracts and acceptable to AHHRSA shall be required. This contract shall also provide for electronic transmission of all documents and work product as well as records retention requirements, including, but not limited to, a PDF file of the entire document (report, attachments, Bid/RFP, etc) that is electronically converted from the creating program (Word, Excel, AutoCAD, etc) and is searchable and fully accessible, plus all of the included sub-files in their creating program file and fully accessible.

AHHRSA shall not be responsible for any costs associated with preparation and/or submission of Proposal under any conditions.

## **EVALUATION OF PROPOSALS**

Proposals will be reviewed and award of contract will be based upon the following criteria, responses to Submission Requirements contained herein and any other factors or criteria determined to be the most advantageous to the AHHRSA. The right is reserved to reject any or all proposals if it is deemed to be in the best interest of the AHHRSA to do so.

- Licensing and qualifications of the individual seeking the appointment, his/her firm and others who will be involved in performing the required services.
- Experience and specific knowledge of the appointee and staff in the applicable field and as it relates to any particular expertise required to perform the contract.
- Ability of the appointee and staff to perform the services on a timely basis, including familiarity with the subject matter.
- Past performance and references relating to work similar to the AHHRSA's needs.
- Experience and specific knowledge of the appointee and staff with the Boroughs of Atlantic Highlands and Highlands and the AHHRSA as it pertains to the AHHRSA work.
- Cost and cost effectiveness considerations, including, but not limited to: fee schedules; costs that the AHHRSA would incur to contract with a new firm (i.e. estimated cost for the current appointee to review and close out all files, and for new firm to review and get familiar with all open files and AHHRSA operations); and fees paid by similar public entities for comparable level of services.

## **SUBMISSION OF PROPOSAL**

An original plus one copy of your Proposal Submission Package, including the documents listed in Submission Requirements, must be **received** by AH/HRSA on or before the deadline above. Submissions may be mailed or delivered to AH/HRSA, at Atlantic Highlands Borough Hall, 100 First Avenue, Atlantic Highlands, New Jersey 07716. Submissions must be sealed and have “**AH/HRSA Attorney Proposal**” clearly marked on the face of the envelope. Proposals will be publicly opened and read aloud at the above time by a representative of AH/HRSA.

Failure to provide all required documents may result in the Proposal not being considered. AH/HRSA reserves the right to reject any and all Proposals, to waive any informality and to accept the proposal which, in its sole judgment, best serves the needs and interests of the AH/HRSA.

## **SUBMISSION REQUIREMENTS**

A Proposal must include responses to all of the following items. These should be identified in your Proposal by the below item number followed by the full text of the item as printed below:

1. Name of licensed individual applying for appointment.
2. Name, address, phone and fax number of his/her firm (if applicable) (if multiple office sites, list all and indicate corporate office). List of principals and/or partners.
3. Biography or history of the individual, his/her firm and others who will be substantially involved.
4. List of personnel that would be assigned to AHHRSA work, including a summary of their educations, qualifications, expertise and experience as it relates to the services the AHHRSA requires.
5. Provide a summary of prior experience, if any, the individual or firm may have providing services to the AHHRSA and the areas served by the AHHRSA, and in what capacity.
6. List of authorities, municipalities and all government entities currently and previously under contract with the individual or firm. Include their contact information, dates of service and as a summary of the work done.
7. Provide a set fee for attendance at and general preparation for a monthly or special AHHRSA meeting. This fee shall include attendance, general preparation, travel and any other costs or expenses. This fee shall be a not-to-exceed amount, and the actual charge shall be the lesser of the set fee or an amount based upon the actual time for attendance and general preparation. General preparation shall include review of meeting packet documents, discussion of agenda items and meeting issues, and incidental work; it does not include preparation of resolutions, opinion letters or research requiring more than .1 hour on any one item.
8. Provide a fee schedule for all firm members and employees, by name or position or title; indicate which fees would apply for employees assigned to AHHRSA matters.
9. Provide a schedule of any and all other fees routinely charged by the firm for services typically or expected to be provided to the AHHRSA. Billing for any fees shall be on an incurred basis and shall not include estimated or minimum charges.
10. Provide an estimate of the time and cost for the applicant to become fully familiar with AHHRSA work in progress; and an estimate of the time and cost

to become fully familiar with AHHRSA operations. A summary of significant work in progress is attached.

11. Disclose and provide details of any direct or indirect relationships within the past ten years that the applicant, and professionals working with his/her firm, have had with AHHRSA, its parent Boroughs of Atlantic Highlands and Highlands, the Township of Middletown Sewerage Authority (TOMSA) or the Monmouth County Bayshore Outfall Authority (MCBOA) or other entities regularly doing business with AHHRSA. Also provide details of any other relationships with any firm that currently has or is reasonably expected to have business with AHHRSA or its parent Boroughs of Atlantic Highlands and Highlands, or any other relationships or involvements that could result in a potential conflict of interest, or possible appearance of conflict.

Note: The above disclosure applies to relationships or involvements that are known to the applicant or that would be known through a reasonable search by the applicant and his/her firm.

12. A Completed Non-Collusion Affidavit.
13. A Completed Statement of Ownership Certification.

## **CONTRACT REQUIREMENTS**

Upon appointment, the following will be required as a condition of award of a contract.

1. Copy of the applicant's current Certificate of Insurance coverage showing the following minimums of coverage:
  - General Liability-\$2,000,000 each occurrence, \$5,000,000 aggregate, \$1,000,000 personal injury, and \$1,000,000 products/completed operations.
  - Auto Liability-Comprehensive coverage, \$1,000,000 each occurrence.
  - Workers Compensation-\$500,000 each accident, \$500,000 disease each employee, and \$500,000 disease policy limit.
  - Professional Liability-\$2,000,000 per occurrence, including malpractice and errors/omissions coverage.
  - Umbrella and Excess Liability-\$1,000,000 each occurrence.

Indemnification: The successful proposer will indemnify and hold harmless the AHHRSA from all claims, suits or actions and damages or costs of every name and description to which the AHHRSA may be subjected or put by reason of injury to the person or property of another, or the property of the AHHRSA, resulting from negligent acts or omissions on the part of the bidder, the bidder's agents servants or subcontractors in the delivery of materials and supplies, or in the performance of the work under this agreement.

2. A current copy of your NJ Business Registration Certificate.
3. A current copy of the current Certificate of Employee Information Report (Affirmative Action and Equal Employment Opportunity NJSA 10:5-31 & NJAC 17:27)

## **SUMMARY OF SIGNIFICANT WORK IN PROGRESS OR ONGOING PROJECTS**

The following is only a summary of significant legal work in progress. Some of this work involves contracts and/or potential litigation and only general information may be publicly released. Review of AHHRSA minutes and other records may provide additional information pertinent to you.

1. Dissolution of AHHRSA: The Boroughs of Atlantic Highlands and Highlands have formed a committee to consider the dissolution of the AHHRSA. The AHHRSA has been assisting this committee in this analysis.

# STATEMENT OF OWNERSHIP CERTIFICATION

The UNDERSIGNED, as bidder, in accordance with P.L. 1977, Chapter 33, of the State of New Jersey, declares and submits this Statement of Ownership.

Name and Federal Tax ID of Entity: \_\_\_\_\_

\_\_\_\_\_ Check here if the bidder is a sole proprietorship.

Bidder is a Corporation ( ), Partnership ( ), LLC ( ), Other ( ) explain \_\_\_\_\_

\_\_\_\_\_ I certify that the list below contains the names and home addresses of all partners or stockholders holding 10% or more of the issued and outstanding stock of the undersigned. (If additional sheets are necessary, use this format and note the total number of sheets attached \_\_\_\_\_)

\_\_\_\_\_ I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

## Stockholder/Partner (Show % of ownership)

Name \_\_\_\_\_

Name \_\_\_\_\_

Home Address \_\_\_\_\_

Home Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Home Address \_\_\_\_\_

Home Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Home Address \_\_\_\_\_

Home Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(If a corporation, partnership or any other entity has a 10% or greater interest in the bidding contractor or related firm, a Stockholder Disclosure form for that corporation/partnership/entity must also be provided. Repeat this process of disclosure as necessary for each tier or level of ownership until the name and address of each person who owns a 10% or greater interest, in any form or combination of interests, has been disclosed. If no person owns a 10% or greater interest in a listed entity, so state.)

Subscribed and sworn  
Before me this day

\_\_\_\_\_  
(Signature of Officer/Owner)

\_\_\_\_\_

\_\_\_\_\_  
(Name and Title)

Notary Public  
My commission expires:

(CORPORATE SEAL)

# NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ residing in \_\_\_\_\_  
(name of municipality)

in the County of \_\_\_\_\_ and State of \_\_\_\_\_ of full age,

being duly sworn according to law on my oath dispose and say that:

I, am \_\_\_\_\_ of the firm of \_\_\_\_\_,  
(title or position) (name of firm)

the bidder making this Proposal for the bid proposal entitled \_\_\_\_\_  
(title of bid proposal)

\_\_\_\_\_, and that I executed the said proposal with full authority to do so,

that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above 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 **AH/HRSA** 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.

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

Subscribed and sworn to  
before me this day:

\_\_\_\_\_  
(signature of affiant)

\_\_\_\_\_  
My Commission expires:

\_\_\_\_\_  
(signature of notary)

# AMERICANS WITH DISABILITIES ACT OF 1990

## Equal Opportunity for Individuals with Disability

The CONTRACTOR and the OWNER do hereby agree that the provisions of Title II of the American With Disabilities Act of 1990 (the "ACT") (42 U.S.C. S12101 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 thereunto, 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 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 proceedings 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.

<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.shtml](http://www.state.nj.us/treasury/contract_compliance/ccmail.shtml)  
 Agency website: [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance)

# 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: \_\_\_\_\_

TITLE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

# AFFIRMATIVE ACTION AFFIDAVIT

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

STATE OF NEW JERSEY, COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ of the (City, Town, Borough) of \_\_\_\_\_ in the County of \_\_\_\_\_, State of New Jersey, of full age, being duly sworn according to law on my oath depose and say that:

1. I am \_\_\_\_\_ of the firm \_\_\_\_\_ a contractor making a proposal upon the above named service.
2. My firm does not have 50 or more employees inclusive of all officers and employees of every type.
3. I am familiar with the Affirmative Action requirements of P.L. 1975, c. 127 and rules and regulations issued by the Treasurer, State of New Jersey, pursuant thereto.
4. My firm has complied with all the affirmative action requirements of the State of New Jersey, including those required by P. L. 1975, c. 127 and the rules and regulations issued by the Treasurer, State of New Jersey, pursuant thereto.
5. I am aware that if my firm does not comply with P.L. 1975, c. 127 and the rules and regulations issued pursuant thereto, that no monies will be paid by the Atlantic Highlands/Highlands Regional Sewerage Authority, the State of New Jersey or any other party responsible for payments under this contract until an affirmative action plan is approved. I am also aware that the contract may be terminated and my firm may be barred from all public contracts, for a period of up to five (5) years.
6. In the event my workforce increases to 50 employees, I must contact the State Affirmative Action Office and complete an Employee Information report.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Name and Title

Subscribed and sworn to  
Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Stamp & Seal) Notary Public of New Jersey

My Commission expires \_\_\_\_\_, 20\_\_\_\_\_

# **MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**

**Goods, Professional Services and General Service Contracts  
(Mandatory Affirmative Action Language) N.J.S.A. 10:5-31 and N.J.A.C. 17:27**

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 or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation 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 for the 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 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 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 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 and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO 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 Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

**THE CONTRACTOR IS REQUIRED TO SUBMIT ONE OF THE FOLLOWING THREE DOCUMENTS WITH THIS PROPOSAL:**

**I. APPROPRIATE EVIDENCE THAT THE CONTRACTORS OPERATING UNDER AN EXISTING FEDERALLY APPROVED OR SANCTIONED AFFIRMATIVE ACTION PROGRAM.**

**II. A CERTIFICATE OF EMPLOYEE INFORMATION REPORT APPROVAL IN ACCORDANCE WITH N.J.A.C. 17:27-4.**

**III. AN INITIAL EMPLOYEE INFORMATION REPORT CONSISTING OF FORMS PROVIDED BY THE AFFIRMATIVE ACTION OFFICE AND COMPLETED BY THE CONTRACTOR IN ACCORDANCE WITH N.J.A.C. 17:27-4.**

# CERTIFICATION BY BIDDER REGARDING EQUAL EMPLOYMENT OPPORTUNITY

\_\_\_\_\_  
Name of Prime Contractor

\_\_\_\_\_  
Project Number

## INSTRUCTIONS

This Certification is required pursuant Executive Order 11246, Part II, Section 203(b), (30 F.R. 12319-25). Any bidder or prospective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; and, if so, whether it has filled all compliance reports due under applicable instructions.

Where the certification indicated that the prime or subcontractor has not filed a compliance report due under applicable instructions, such contractor shall be required to submit a compliance report.

## CONTRACTOR CERTIFICATION

Contractor's Name: \_\_\_\_\_

Address: \_\_\_\_\_

1. Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause. Yes \_\_\_\_\_ No \_\_\_\_\_

2. Compliance reports were required to be filed in connection with such contract or subcontract. Yes \_\_\_\_\_ No \_\_\_\_\_

If YES, state what reports were filed and with what agency: \_\_\_\_\_

3. Bidder has filed all compliance reports due under applicable instructions, including EEO-I. Yes \_\_\_\_\_ No \_\_\_\_\_

If answer to Item 3 is NO, please explain in detail on reverse side of this certification.

Certification - The information above is true and complete to be best of my knowledge and belief. A willfully false statement is punishable by law. (U.S: Code, Title 18, Section 1001)

\_\_\_\_\_  
NAME AND TITLE OF SIGNER (Please Type)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

# BUSINESS REGISTRATION CERTIFICATE COMPLIANCE - CONTRACT LANGUAGE

## For Procurement (Goods and Services) Contracts (including Purchase Orders)

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 the 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 and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-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 or \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with the contracting agency. Information of the law and its requirements is available by calling (609)292-9292.

## For Construction 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:

- 2) The contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
- 2) Subcontractors through all tiers of a project must provide written notice to their subcontractors and suppliers to submit proof of business registration and subcontractors shall collect proofs of business registration and maintain them on file;
- 3) Prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors and suppliers or attest that none was used; and,
- 4) During the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit, to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 52:32B-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 or \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with the contracting agency. Information of the law and its requirements is available by calling (609)292-9292.

## **FAIR & OPEN PAY-TO-PLAY**

This proposal is made under a Fair and Open process and no disclosure is anticipated to be required from the applicant but it is the applicant's responsibility to review the current regulations of Fair & Open contracts (NJSA 19:44-20.4, et seq.) and Pay-To-Play regulations (NJSA 40A:11-51, et seq.) to insure they are in compliance. One source of information on these regulations is NJ Department of Community Affairs web site, <http://www.nj.gov/dca/lgs/p2p/>.

Attached is a list of governing body officials of the Boroughs of Atlantic Highlands and Highlands, and the AHHRSA.

# **LIST OF ELECTED OFFICIALS OF ATLANTIC HIGHLANDS BOROUGH AND HIGHLANDS BOROUGH FOR 2012**

## **Atlantic Highlands Borough**

Mayor Fredrick J. Rast, III  
Council President Jacob Hoffmann  
Council Member John Archibald, Jr.  
Council Member Roy Dellosso  
Council Member Peter T. Doyle  
Council Member Lou Fligor  
Council Member Robert Sutton

## **Highlands Borough**

Mayor Frank Nolan  
Council President Rebecca Kane  
Council Member Christopher Francy  
Council Member Richard W. O'Neil  
Council Member Kevin Redmond

## **Atlantic Highlands/Highlands Regional Sewerage Authority**

Commissioner Wilbur Bishof  
Commissioner Kenneth Braswell  
Commissioner Louis Fligor  
Commissioner Christopher Francy  
Commissioner Richard O'Neil  
Commissioner Michael Rybeck