

TOWN OF PHILLIPSBURG

REQUEST FOR PROPOSAL FOR PROFESSIONAL SERVICES

Town of Phillipsburg

Contract Term

January 1, 2020 through December 31, 2020

SUBMISSION DEADLINE

December 10, 2019

2:00 pm

ADDRESS ALL PROPOSALS TO:

TOWN OF PHILLIPSBURG

VICTORIA L. KLEINER

MUNICIPAL CLERK

120 FILMORE STREET

PHILLIPSBURG, NJ 08865

NOTICE IS HEREBY GIVEN that, in accordance with N.J.S.A. 19:44A-20.5 et seq. through a competitive and fair' and open process the Town of Phillipsburg is requesting sealed proposals and qualifications for the following Professional Services for the calendar year 2019.

The Town of PHILLIPSBURG is posting a Request for Proposals for the following positions:

Town Attorney	Special Tax Appeal Counsel
Town Labor Attorney	Municipal Prosecutor
Sewer & Waste Water Engineer	Public Defender
Town Planner	Bond Counsel
Town Auditor	Judge

All required information and forms are available on the PHILLIPSBURG Town website at www.phillipsburgnj.org

Electronic proposals shall be emailed to Victoria L. Kleiner, Municipal Clerk at vkleiner@phillipsburgnj.org and **two hard copies** submitted to Victoria L. Kleiner, Municipal Clerk, 120 Filmore Street, PHILLIPSBURG, NJ 08865 no later than 2:00 p.m. on December 10, 2019.

Two signed copies of your proposed contract must be submitted with the proposal

Respondents are 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 PL 2004, C.1 and are required to comply with all terms imposed by NJ Election Law N.J.S.A. 19:44A20.27 subject to campaign funding limits.

Said letters and proposals will be evaluated by the Governing Body of the Town of Phillipsburg having jurisdiction from the basis of that which is most advantageous to the Town. The Governing Body of the Town of PHILLIPSBURG reserves the right to reject any or all submissions due to any defects or waive informalities and accept any submissions that in their judgment will be in the best interest of the Town.

GENERAL INFORMATION & SUMMARY

ORGANIZATION REQUESTING PROPOSAL

TOWN OF PHILLIPSBURG
120 FILMORE STREET
PHILLIPSBURG, NJ 07921

CONTACT PERSON

VICTORIA L. KLEINER
TOWN MUNICIPAL CLERK
908-454-5500 ext. 309

PURPOSE OF REQUEST

The Town of Phillipsburg is requesting proposals from qualified individuals and firms to provide professional services to the Town. Proposals will be evaluated in accordance with the criteria set forth in this RFP. One or more individuals/firms may be selected to provide services.

PERIOD OF CONTRACT

January 1, 2020 through December 31, 2020

CONTRACT FORM¹

The successful proposer shall be required to submit two signed copies of your proposed contract, which includes the indemnification, insurance, termination and licensing provisions.

It is also agreed and understood that the acceptance of the final payment by Contractor shall be considered a release in full of all claims against the Town arising out of, or by reason of, the work done, and materials furnished under this Contract.

DETAILED REQUIREMENTS OF THE REQUEST FOR PROPOSAL

1. Town of PHILLIPSBURG Facts and Figures — The Town's population is approximately 16,000 and it consists of approximately 3.2 square miles of area. The Town employs approximately 200 employees in roughly 10 departments and agencies. It owns an administration and police facilities, firehouse, a library, and parks and recreation facilities.

The Town's operating budget is approximately \$17,000,000.00. It provides significant and diverse services to its residents, including those in the senior, disabled, veterans and other communities.

PROPOSAL FORM

Proposals must be submitted on the forms included in the RFP package. All blank spaces must be filled in. All proposals shall be typewritten or written in ink on the forms. Unit prices and totals must be inserted in the space provided. Insert "N/A" in the blanks if "not applicable". Proposals showing any erasure, alteration or interlineations must be initialed by the applicant in ink. Failure to comply may be cause for rejection of the proposal. Where discrepancies occur between the unit price and the extension, the unit price will prevail.

SIGNATURE ON PROPOSAL FORM

If the applicant is an individual, the proposal must be signed by the individual. If the applicant is not an individual, the proposal must be signed by a person authorized to sign on behalf of the applicant.

INTERPRETATIONS AND ADDENDA

1. The applicant is responsible for understanding all of the proposal documents that have been provided by the Town.
2. Applicants are expected to examine the specifications and related documents with care and observe all their requirements. Ambiguities, errors or omissions noted by applicants should be promptly reported in writing to the Purchasing Agent. If the applicant fails to notify the Town of such ambiguities, errors or omissions, the applicant shall be bound by the proposal.

REJECTION OF PROPOSAL

The Town reserves the right to reject any or all proposal and to waive any minor informality in any proposal should it be deemed in the best interest of the Town to do so. Proposals shall be rejected for any of the following reasons:

1. Failure to complete the Affirmative Action Certification.
2. Failure to comply with the American with Disabilities Act of 1990.
3. Failure to complete the Disclosure of Ownership Statement.
4. Failure to provide New Jersey State Business Registration Certificate. (Including Subcontractors).
5. Failure to complete the Affidavit of Non-Collusion.
6. Failure to properly complete the Proposal form.
7. Failure to complete the Checklist of Required Documents.
8. Insertion of additional conditions, provisions or stipulations.

COST PROPOSAL

Proposers should submit a cost proposal which would include any proposed retainer, the services to be provided for the retainer, if services will be provided at a flat rate, if all or any services will be billed through hourly rates and what are the established rate(s). The Town does not provide payment for or reimbursement for travel expenses.

PROPOSAL LIMITATIONS

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

NOTIFICATION OF AWARD

1. Upon passage of a Town Council Resolution awarding the contract, the Municipal Clerk will forward one (1) fully executed copy of the contract along with a copy of the resolution awarding the contract. If any part of the contract needs revision, two (2) sets of the revised contract must be submitted within ten (10) days of the date of the award of the contract, the successful applicant shall return two (2) sets of the contract documents to the Municipal Clerk with a proper performance bond and insurance certificates if required, refer to Checklist of Required Documents.
2. If approved as to form and execution, the contract documents will then be submitted to the Mayor and Municipal Clerk for execution on behalf of the Town A fully executed copy will be returned to the successful applicant by the Town. No Resolution of Award will become binding on the Town before the contract documents have been executed by the Mayor and Municipal Clerk.
3. Should the successful applicant fail to execute the contract within ten (10) days of notification, the Town will be free to award the contract to another applicant.

ASSIGNING THE CONTRACT

The contract shall not use sublet, assigned, pledged, hypothecated or sold, in whole or in part, without the written permission of the Town.

TERMINATION OF CONTRACT

1. DEFAULT: Non-performance of the applicant in terms of the Request for Proposal shall be a basis for termination of the contract by the Town. The Town may terminate the contract upon 30 days' written notice to the applicant. The Town shall not pay for any services and/or materials, which are unsatisfactory. The applicant may be given a reasonable opportunity before termination to correct the deficiencies. This however, shall in no way be construed as negating the basis for termination for nonperformance.

2. **UNCONDITIONAL TERMINATION FOR CONVENIENCE:** The Town may terminate the resultant contract for convenience by providing sixty (60) calendar days advance notice to the applicant.
3. **TERMINATION FOR DEFAULT:** If the applicant fails to meet deadlines, or fails to provide the agreed upon services, and or material altogether, a termination for default will be issued, but only after the Town has determined the applicant has failed to remedy the problem after being forewarned.
4. **TERMINATION BY THE TOWN:** If the applicant should be adjudged bankrupt or should make a general assignment for the benefit of its creditors, or if a receiver should be appointed on account of its insolvency, the Town may terminate this contract. If the applicant should persistently or repeatedly refuse or should fail, except in cases for which extension of time is provided, to provide enough properly skilled workers or proper materials, or persistently disregard laws and ordinances, or not proceed with work or of this contract, the Town shall give the applicant fifteen (15) calendar days written notice. Upon receipt of such termination notice, the applicant shall be allowed seven (7) calendar days to cure such deficiencies.

PAYMENT

The contract price shall be payable either in one lump sum or as indicated in the RFP at the first regular monthly meeting of the governing body following satisfactory completion of the contract and presentation of a properly executed purchase voucher.

INVOICES

The Town of Phillipsburg will not honor any invoices submitted for work performed other than that stipulated by these specifications unless previously authorized by a written change order from the Town. Invoices for services rendered must be received by the Town by the end of the month following the month in which the expense was incurred. For example, a service provided in June must be billed to the Town by the end of July. Expenses submitted after this period will not be honored by the Town

COMPLIANCE WITH LAWS

The applicant keep himself fully informed of, and observe and comply with, all state, national and municipal laws in any manner affecting those engaged or employed in the work or the materials used in the work and of all such orders and decrees for bodies having any jurisdiction or authority over the same.

If any discrepancy is discovered in the Request for Proposal in relation to any such law, ordinance, regulation, order or decree, the applicant notify the Town in writing. The applicant shall protect and indemnify the Town, its officers and agents against any claim or liability arising from a violation of any law, regulation, ordinance, order or decree whether by himself or his employees or sub-contractors.

BUSINESS REGISTRATION CERTIFICATE

N.J.S.A. 52:32-44 requires that each applicant (contractor and subcontractor) provide proof of business registration in response to a request for proposals prior to award of contract. Proof of registration shall be a copy of the applicant's Business Registration Certificate (BRC). A BRC is obtained from the New Jersey Division of Revenue. Information on obtaining a BRC is available on the internet at www.nj.gov/njbgs or by phone at (609) 292-1730. 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 applicant shall provide written notice to its subcontractors and suppliers to submit proof of business registration, to the contractor;
- 2) Prior to receipt of final payment from a contracting agency, an applicant 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 applicant 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.
- 4) An applicant, 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.
- 5) Failure to submit this shall be cause for rejection of the proposal

SWI REV/JERSEY		
BUSINESS REGISTRATION STATEMENT		.SPAVIVO,
FOR STATE AGENCY AND CASINO SERVICE CONTRACTOR		---
		Irra "711
TAXPAYER NAME:	TRA E M:11	
TAX REGISTRATION TEST ACCOUNT	CL I ST RAI	
TAXPAYER IDENTIFICATION:	SEC. E NUMBER	
	070.097-382/1410 0107;	
	ISSUANCE DATE..I	
	07/14/04	
	"VC DA	
SUNG ff		
O		
0Itv		
	T... c' or 4' - 1 V7r	41.14 00-2 a:aw.. 3111.1.



**STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE**

Business Registration Number:	TAN RFS; TR LE. \('Y1'N'
Trade Name:	
Address:	\$47 ROF.111.ING AVE '11-1217NTON. NJ 0861 1
Number:	10.)3907
Date of Issuance:	(ember 14, 2004
For Office Use Only:	
26041014112823533	

AFFIDAVIT OF NON-COLLUSION

The Non-Collusion Affidavit, which is part of these specifications, shall be properly executed and submitted intact with the proposal.

NON-DISCRIMINATION

There shall be no discrimination against any employee engaged in the work required to produce the commodities covered by any contract resulting from this proposal, or against any applicant to such employment because of race, religion, sex, national origin, creed, color, ancestry, age, marital status, affectional or sexual orientation, familial status, liability for service in the Armed Forces of the United States, or nationality. This provision shall include, but not be limited to the following: employment upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor shall insert a similar provision in all subcontracts for services to be covered by any contract resulting from this proposal.

MANDATORY AFFIRMATIVE ACTION EVIDENCE

Each applicant 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.

STOCKHOLDER DISCLOSURE OF OWNERSHIP/CERTIFICATE

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43) provides that no corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any materials or supplies, Unless, prior to the receipt of the proposal or accompanying the proposal of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten percent or more of its stock or any class, or all individuals partners in the partnership who own a ten percent or greater interest therein. Form of Statement is enclosed and shall be completed and returned with proposals.

PAY-TO-PLAY DISCLOSURE

Successful contractors are required to comply with all terms imposed by NJ Election Laws N.J.S.A. 19:44A-20.27 subject to campaign funding limits and with the Town of Phillipsburg "Awarding of Public Contracts"

"Pay to Play" Notice of Disclosure Requirement - P.L. 2005, Chapter 271, Section 3 Reporting (N.J.S.A. 19:44A — 20127)

1. Any business entity that has received \$50,000 or more in contracts from the government entities in a calendar year is required to file an annual disclosure report with ELEC. The instructions and form are available on the ELEC website.
2. Annual Disclosures require submission by March 30th of each year covering contracts and contributions for the prior calendar year.
3. At a minimum, a list of all business entities that file an annual disclosure report will be listed on ELEC's website at www.elec.state.nj.us
4. If you have any questions, please contact ELEC at: 1-888-313-ELEC (3532) (toll free in NJ) OR (609) 292-8F700.

ACQUISITIONS, MERGER, SALE AND/OR TRANSFER OF BUSINESS, ETC.

If during the life of file contract, the applicant disposes of the business concern by acquisition, merger, sale and/or transfer or by any means convey h/h interest(s) to another party, all obligations are transferred to that new party. In this event, the new owner(s) will be required to submit, when required a performance bond in the amount of the open balance of the contract.

INDEMNIFICATION

The Applicant agrees to indemnify and save harmless the Town, its officers, agents and employees, hereinafter referred to [as indemnities, from all suits, including attorney's fees and costs of litigation, actions, loss damage, expense, cost of claims, of any character or on account of any act, claim or amount arising or recovered under Workers Compensation law, or arising out of failure of the Applicant or those acting under the Applicant to conform to any statutes, ordinances, regulations, law or court decree. It is the intent of the parties to this contract that the indemnities shall, in all instances, except for loss or damage resulting from the sole negligence of the indemnitee, be indemnified against all liability, loss or damage of any nature whatever.

APPLICANT TERMS AND CONDITIONS

Proposals will be evaluated by the Town Council of the Town of Phillipsburg on the basis of the most advantageous, price and other factors considered but not limited to the following:

1. Knowledge of the administrative structure of the Town of Phillipsburg and subject matter to be addressed under the contract.

APPLICANT TERMS AND CONDITIONS (continued)

2. Individual designated by the applicant and approved by Town is required to attend all regular scheduled meetings as required by Town of Phillipsburg. If the designated individual is unable to attend he/she must notify the town in advance and have the individual to attend the meeting approved by Town.
3. Applicant must respond to Town inquiries within 24 hours.
4. Availability to accommodate any Special meetings as required by the Town of Phillipsburg.
5. Applicant will, provide written proposals for specific projects as required by Town of Phillipsburg.
6. Applicant must provide a Compensation schedule.
7. Other factors that may reasonably impact the Town of PHILLIPSBURG.

Applicants will be notified by the Town Clerk as to when the interviews will be conducted if necessary.

CHECK LIST OF REQUIRED DOCUMENTS

The following items are mandatory requirements of this RFP package:

	Initials
Affirmative Action Mandatory Language	
Americans With Disabilities Act Mandatory Language	
Business Registration Certificate	
Disclosure of Ownership	
Certificate of Insurance	

If boxes of the following items are checked, they are mandatory requirements of the RFP proposal and contract:

	Initials
✓ Proposal Form Signature Page	_____
✓ Acknowledgement of Addenda (as applicable)	_____
✓ Affidavit of Non-Collusion	_____
✓ Checklist of Required Documents, signed below	_____
✓ Applicant and designated Individual Resumes (1 hard copy & 1 electronic' copy)	_____
✓ Business Entity Disclosure Certification	_____
✓ Disclosure of Investment Activities in Iran	_____
✓ Vendor Affirmation	_____
C.19 Business Entity Disclosure Certificate	_____
C.271 Political Contribution Disclosure Form	_____
Notice of Pending Disclosure Requirement ("Pay to Play")	_____
✓ Signed Contracts	_____

EACH REQUIRED ITEM MUST BE INITIALED ON THIS FORM IN THE SPACE PROVIDED. THIS CHECK LIST MUST BE SIGNED AND SUBMITTED WITH THE RFP PACKAGE.

COMPANY/APPLICANT'S NAME AUTHORIZED SIGNATURE

DATE NAME (PRINT) TITLE

PROPOSAL FOR /SIGNATURE PAGE

Professional Services

**Town Planner
Town Labor Attorney**

Municipal Prosecutor

Sewer and Wastewater Engineer

Auditor

Town Attorney

Bond Counsel

Other Special Services

Company Federal I.D.# or Social Security #

Address

**Signature of Authorized Agent Type or
Name Print Name**

**Title of Authorized Agent Date
Telephone Number Email Date**

**STATEMENT OF OWNERSHIP
(OWNERSHIP DISCLOSURE CERTIFICATION)**
N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This Statement Shall Be Included with All Bid/Proposal Submissions

Name of Business: _____

Address of Business: _____

Name of person completing this form: _____

N.J.S.A. 52:25-24.2:

"No corporation, partnership, or limited liability company shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the bid or proposal, or accompanying the bid or proposal of said corporation, said partnership, or said limited liability company there is submitted a statement setting forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be.

If one or more such stockholder or partner or member is itself a corporation or partnership or limited liability company, the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, 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, and member, exceeding the 10 percent ownership criteria established in this act, has been listed.

To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest."

The Attorney General has advised that the provisions of N.J.S.A. 52:25-24.2, which refer to corporations and partnerships apply to limited partnerships, limited liability partnerships, and Subchapter S corporations.

This Ownership Disclosure Certification form shall be completed, signed and notarized.

FAILURE OF THE BIDDER/PROPOSER TO SUBMIT THE REQUIRED INFORMATION IS CAUSE FOR AUTOMATIC REJECTION OF THE BID/PROPOSAL.

PART I - Check the box that represents the type of business organization:

- Sole Proprietaries (*skip Parts II and III, sign and notarize at the end*)
- Non-Profit Corporation (*skip Parts II and III, sign and notarize at the end*)
- Partnership Limited Partnership Limited Liability Partnership
- Limited Liability Company
- For-profit Corporation (including Subchapters C and S or Professional Corporation)
- Other (be specific):

PART II

I certify that the list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be.

OR

I certify that no one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or that no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be.

**Sign and notarize the form below, and, if necessary, complete the list below.
(Please attach additional sheets if more space is needed):**

Name:

Name:

Address:

Address:

Name:

Name:

Address:

Address:

Name:

Name:

Address:

Address:

PART III - Any Direct or Indirect Parent Entity which is Publicly Traded:

"To comply with this Section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest."

Pages attached with name and address of each publicly traded entity as well as the name and address of each person that holds a 10 percent or greater beneficial interest.

OR

- 0 Submit the links to the Websites (URLs) containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent.

AND

Submit here the relevant page numbers of the filings containing the information on each person holding a 1 p percent or greater beneficial interest

Subscribed and sworn before me this day

of _____, 20____

Affiant Signature

Print Affiant Name and Title, if applicable

(Corporate Seal if a Corporation)

Notary Public of:
My commission expires:

FAILURE TO SUBMIT THE REQUIRED INFORMATION IS CAUSE FOR REJECTION OF THE BID/PROPOSAL.

VENDOR AFFIRMATION

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that _____ *<name of business entity>* has not made, in the one-year period preceding **January 1, 2020** and will not make any contributions in violation of the Town of Phillipsburg, that would bar the award of this contract to any of the following named candidate committees; joint candidates committees; or political party committees representing the elected officials of the Town of Phillipsburg, New Jersey or any other political candidates or parties a set forth in the Town code of the Town of Phillipsburg.

Todd Tersigni, Mayor	
Councilwoman DeGerolamo	
Councilman Fulper	
Councilman McVey	
Councilman Piazza	
Councilman Wyant	

Applicant's Name

Title

Authorized Signature

Print Name

Telephone

**TOWN OF PHILLIPSBURG
REQUEST FOR PROPOSALS: PROFESSIONAL SERVICES**

AFFIDAVIT OF NON-COLLUSION

The undersigned, being duly sworn according to law, deposes and says:

1. I reside at _____

2. The name of the within applicant is _____

3. I executed the said RFP on behalf of the applicant with full authority to do so.
4. The applicant has not directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of fair and open process in connection with the contract.
5. All statements contained in the Qualification Statement and RFP and in this Affidavit are true and correct and were made with the full knowledge that the Town of Phillipsburg, County of Warren, its officers and employees, rely on the truth of the statements therein made in awarding the above-named contract.
6. I further warrant that no person or selling agency has been employed or retained to solicit or service such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bonafide employees of or bonafide established commercial selling agencies maintained by the applicant.

Sworn and subscribed to
before me on this day of

_____, 20 ____

Signature

Print Name

Signature of Notary

Print Name

TOWN OF PHILLIPSBURG
REQUEST FOR PROPOSALS: PROFESSIONAL SERVICES

AFFIRMATION ACTION CERTIFICATION

This form is a summary of the successful applicant's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

The successful applicant 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 applicant may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful applicant(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 applicant copy is retained by the applicant.

The undersigned applicant 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 and agrees to furnish the required forms of evidence.

The undersigned applicant further understands that his/her RFP shall be rejected as non-responsive if said applicant fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

Applicant's Name

Title

Authorized Signature

Print Name

Telephone

TOWN OF PHILLIPSBURG
REQUEST FOR PROPOSALS: PROFESSIONAL SERVICES

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

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 regulation 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 le 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.

TOWN OF PHILLIPSBURG
REQUEST FOR PROPOSALS: PROFESSIONAL SERVICES

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 shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval
Certificate of Employee Information Report
Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the 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.

TOWN OF PHILLIPSBURG
REQUEST FOR PROPOSALS: PROFESSIONAL SERVICES

AMERICANS WITH DISABILITIES ACT

Equal Opportunity for Individuals with Disabilities

The Contractor and the Town of Phillipsburg do hereby agree that the provision of Title II of the Americans With Disabilities Act of 1990 (the "ADA") (42 U.S.C. Section 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 thereto, are made a part of this contract. In providing any aid, benefit or service on behalf of the Town pursuant to this contract, the contractor its agents, servants, employees or subcontractors violate or are alleged to have violated the ADA during the performance of this contract, the Contractor shall defend the Town in any action or administrative proceeding commenced pursuant to this ADA. The Contractor shall indemnify, protect and save harmless the Town, 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 Town grievance procedure, the Contractor agrees to abide by any decision of the Town which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Town or if the Town 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 Town 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 Town or any of its agents, servants, and employees, the Town shall expeditiously forward or have forwarded to the Contractor every demand, complaint, notice, summons, filing or other process received by the Town or its representatives.

It is expressly agreed and understood that any approval by the Town of the services provided by the Contractor pursuant to this contract will not relieve the Contractor of the obligation to comply with the ADA and to defend indemnify, protect, and save harmless the Town pursuant to this paragraph.

It is further agreed and understood that the Town 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 Town from taking any other actions available to it under any other provisions of this agreement or otherwise by law.

**STATE OF NEW JERSEY -- DIVISION OF PURCHASE AND PROPERTY
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

Quote Number: _____

Bidder/Offeror: _____

PART 1: CERTIFICATION

BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.

FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE PROPOSAL NON-RESPONSIVE.

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders must review this list prior to completing the below certification. **Failure to complete the certification will render a bidder's proposal non-responsive.** If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party

PLEASE CHECK THE APPROPRIATE BOX:

I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. **I will skip Part 2 and sign and complete the Certification below.**

OR

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

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

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

EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.

Name _____ Relationship to Bidder/Offeror _____

Description of Activities _____

Duration of Engagement _____ Anticipated Cessation Date _____

Bidder/Offeror Contact Name _____ Contact Phone Number _____

ADD AN ADDITIONAL ACTIVITIES ENTRY

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____

Signature: _____

Title: _____

Date: _____

PROFESSIONAL SERVICE ENTITY INFORMATION FORM

If the Professional Service Entity is an **INDIVIDUAL**, sign name and give the following information: Name:

Address:

Telephone No.: _____ Social Security No.: _____

Fax No.: _____ E-Mail: _____

If Individual has a TRADE NAME, give such trade name:

Trading As: _____ Telephone No.: _____

~~~~~

If the Professional Service Entity is a **PARTNERSHIP**, give the following information:

Name of Partners:

\_\_\_\_\_

Firm Name:

\_\_\_\_\_

Address:

1

Telephone No.: \_\_\_\_\_ Federal I.D. No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Social Security No.: \_\_\_\_\_

Signature of authorized agent:

\_\_\_\_\_

If the Professional Service Entity is **INCORPORATED**, give the following information:

State under whose laws incorporated: \_\_\_\_\_

Location of principal office: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Federal I.D. No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Signature By: \_\_\_\_\_ Title: \_\_\_\_\_

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