

**REQUEST FOR
PROPOSAL/REQUEST FOR
QUALIFICATIONS FOR
MUNICIPAL PROFESSIONALS**

**Issued by
The Borough of Westville**

**Responses Due by:
December 3, 2019 at noon
Proposals will be publicly opened**

**BOROUGH OF WESTVILLE
165 BROADWAY
WESTVILLE, NJ 08093**

**BOROUGH OF WESTVILLE
Gloucester County**

PUBLIC NOTICE

**NOTICE OF REQUEST FOR QUALIFICATIONS/
REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES
FOR THE YEAR 2020**

Notice is hereby given that the Borough of Westville, in the County of Gloucester and State of New Jersey will be accepting proposals for the following positions for 2020:

**Borough Auditor
Borough Bond Counsel
Borough Engineer
Borough Solicitor
Borough Prosecutor
Borough Conflict Prosecutor
Insurance Broker/Risk Management Consultant
Borough Labor Counsel
Borough Land Use Board Engineer
Borough Land Use Board Planner
Borough Land Use Board Solicitor
Borough Public Defender Public Defender
Borough Redevelopment Counsel**

To obtain a copy of the RFQ/RFP, contact Kathleen Carroll, 165 Broadway, Westville, NJ 08093 at 856-456-0030 or visit our website at westville-nj.com or send an email to kcarroll@westville-nj.com. All proposals submitted to the Borough must be submitted pursuant to the said RFQ/RFP.

- a) To be considered, a proposal for the above positions must be received **on or before noon on December 3, 2019**. Submit two (2) paper/hard copies and one (1) electronic copy on cd/disc (pdf format)

Send submissions to:

Kathleen Carroll, Deputy Municipal Clerk
BOROUGH OF WESTVILLE
165 Broadway
Westville, NJ 08093

The envelope must be clearly marked RFP/RFQ for Professional Services – Fair & Open Process for 2020, including the title of the position for which the proposal is being submitting.

Kathleen Carroll
Deputy Municipal Clerk
Borough of Westville

**REQUEST FOR PROPOSALS (RFP) /
REQUEST FOR QUALIFICATIONS (RFQ)
FOR MUNICIPAL PROFESSIONALS**

II. PURPOSE AND INTENT

Through this Request for Proposals (RFP)/Request for Qualifications (RFQ), the Borough of Westville (hereinafter the “Borough”) seeks to engage professional services positions for the 2020 year commencing January 1, 2020 or upon appointment, whichever is later. This contract will be awarded through a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.

III. PROPOSAL SUBMISSION

- 1) Submissions **MUST** include:
 - a) Two (2) paper/hard copy, with one clearly marked as the “ORIGINAL and one electronic copy on cd/disc (pdf format)
- 2) Submissions shall be submitted in sealed envelopes and must be marked with the “NAME OF POSITION” and addressed to:

Borough of Westville
Attention: Kathleen Carroll, Deputy Municipal Clerk
165 Broadway, Westville, NJ 08093

- 3) Proposals will be publicly opened on December 3, 2019, beginning at noon in the Municipal Conference Room, 165 Broadway, Westville, NJ 08093. **(Fax proposals cannot be accepted.)**
- 4) Any inquiry concerning this RFP/RFQ should be directed in writing to:

Borough Administrator
Borough of Westville
165 Broadway
Westville, NJ 08093

- 5) All documents/information submitted in response to this solicitation shall be available to the general public as required by the New Jersey Open Public Records Act N.J.S.A. 47:1A-1 et seq. The Borough will not be responsible for any costs associated with the oral or written and/or presentation of the proposals. The Borough reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Borough further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all vendors submitting proposals. In the event that all proposals are rejected, the Borough reserves the right to re-solicit proposals.

IV. GENERAL INFORMATION ON THE BOROUGH OF WESTVILLE

- 1) The Borough of Westville operates under the Borough Form of Government pursuant to N.J.S.A. 40A:60-1 et seq. The Borough is approximately one (1) square mile; has a population of approximately 4500; has an annual Municipal Operating Budget of approximately \$6 million and a Utility Operating Budget of approximately \$1 million; with approximately 37 full time employees. The Borough's Mayor and Council generally meet the first Monday of each month, as well as special meetings on an as-needed basis.
- 2) All the following are contained within the Borough's one (1) square mile:
 - a) Light Industrial Park
 - b) Commercial Zone
 - c) Residential
 - d) Parks and Recreation Areas
 - e) Business Overlay Commercial Zone

V. MINIMUM QUALIFICATIONS

Minimum Qualifications differ for each professional specialty; please see **Exhibit A** for specifics. All applicants need to provide the following items contained in Section V.

VI. MANDATORY CONTENTS OF PROPOSAL

- 1) **Definitions**

While an applicant does not have to match each item exactly, the following is what is generally meant when used in this RFP/RFQ.

- a) **Scope**: Magnitude of the project and/or services, and value of the contract.
- b) **Size**: When used in this context refers to such things as: budget, miles of roads, number of employees, acres of recreation areas, size of municipal bonds, population, number of homes.

- 2) In addition to demonstrating an ability to meet all minimum qualifications in Exhibit A, the firm must also include and address the following:
- a) **Contact Information:** Provide the name and address of the firm; the name, telephone number, fax number, and e-mail address of the individual responsible for the preparation of the proposal.
 - b) **A Fee Proposal** for the 2020 year. A proposal showing minimum and maximum ranges is not acceptable. Please include an hourly rate for all services. See Exhibit A for details.
 - c) **An Executive Summary** of not more than two (2) pages, identifying and substantiating why the vendor is qualified to provide the requested services.
 - d) **A Staffing Plan,** listing those persons who will be assigned to the engagement if the vendor is selected, including the designation of the person who would be the vendor's officer responsible for all services required under the engagement. This portion of the proposal should include the relevant resume information for the individuals who will be assigned. This information should include, at a minimum, a description of the person's relevant professional experience; years and type of experience; and number of years with the vendor.
 - e) **A description of the vendor's experience** in performing services of the type described in this RFP/RFQ. Specifically identify client size and specific examples of work within the scope of services required under this RFP/RFQ in similarly-sized municipalities. It is imperative to show experience in similarly-sized towns.
 - f) **The location of the office,** if other than the vendor's main office, at which the vendor proposes to perform services required under this RFP/RFQ. Describe your presence in New Jersey and any familiarity your firm has with the Gloucester County area.
 - g) **Five (5) references** for which similar services have been provided for. Experience with similarly sized municipalities is a plus. Provide the contact names, titles and phone numbers.
 - h) If the vendor or any principal therein has been subject to any **professional disciplinary action** over the last three (3) years, the vendor must provide a description of the litigation and/or disciplinary action.
 - i) In its proposal, the vendor must identify any existing or potential **conflicts of interest,** and disclose any representation of parties or other relationships that might be considered a conflict of interest with regard to this engagement, or the Borough.

VII. ADMINISTRATIVE REQUIREMENTS AND INFORMATION

1) BUSINESS REGISTRATION

N.J.S.A. 52:31-44 requires that each vendor awarded a contract submit proof of business registration with the submission. Proof of registration shall be a copy of the bidder'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. No firm may be issued a contract unless it complies with the Affirmative Action regulations of N.J.S.A.10:5-31 et seq. (P.L. 1975, c. 127).

2) AFFIRMATIVE ACTION REQUIREMENTS

Procurement, Professional and Service Contracts

All successful vendors must submit, within seven (7) days after the receipt of the notice of intent to award the contract, or the receipt of the contract of, the following:

- a) A photocopy of a valid letter for an approved Federal Affirmative Action Plan, (good for one year from the date of the letter), OR
- b) A photocopy of an approved Certificate of Employee Information report, OR
- c) If vendor has neither of the above, the public agency is required to provide the vendor with an initial Affirmative Action Employee Information Report, (AA-302).

3) AFFIRMATIVE ACTION COMPLIANCE NOTICE (Exhibit C)

4) MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE (Exhibit D)

5) AMERICANS WITH DISABILITIES ACT OF 1990 (Exhibit E)

6) NON-COLLUSION AFFIDAVIT (Exhibit F)

7) STOCKHOLDER DISCLOSURE (Exhibit G)

Chapter 33 of the Public Law of 1977 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 bid or accompanying the bid for 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 (10%) or more of its stock of any class, or of all individual partners in the partnership who own ten percent (10%) or greater interest therein. Form of Statement shall be completed and attached to the bid proposal.

VIII. INTERVIEW

The Borough's Mayor and Council (or, if designated, the Borough Administrator) reserves the right to interview any or all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete. The Borough reserves the right to request clarifying information subsequent to submission of the proposal.

IX. SELECTION PROCESS

All proposals will be reviewed by the Borough's Evaluation Committee, designated by Mayor and Council or the Borough Administrator, to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For vendors that satisfy Part IV - "Minimum Requirements" and Part V - "Mandatory Contents of Proposal", the Borough will evaluate proposals based on the following evaluation criteria, separate or combined in some manner, and not necessarily listed in order of significance:

- 1) The vendor's general approach to providing the services required under this RFP/RFQ.
- 2) The vendor's documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this RFP/RFQ.
- 3) The qualifications and experience of the vendor's management, supervisory or other key personnel assigned to the engagement, with emphasis on documented experience in successfully completing work on contracts of similar size and scope to the services required by this RFP/RFQ.
- 4) The overall ability of the vendor to mobilize, undertake and successfully complete the scope of work in a timely fashion. This criterion will include, but not be limited to, the following factors: the number and qualifications of management, supervisory and other staff proposed by the vendor to perform the services required by this RFP/RFQ, and the availability and commitment to the engagement of the vendor's management, supervisory and other staff proposed.
- 5) Costs and fee schedules.
- 6) Evaluation Committee will submit their recommendation to the Governing Body and the appropriate Boards/Commissions for their review and consideration.

X. SELECTION AND CONTRACT

The Governing Body and appropriate Boards/Commissions will select the vendor deemed most advantageous to the Borough, price and other factors considered. The resulting contract will include this RFP/RFQ, any clarifications or addenda thereto, the selected vendor's proposal, and any changes negotiated by the parties.

Borough of Westville

(Exhibit A)

REQUEST FOR PROPOSALS & QUALIFICATIONS FOR MUNICIPAL PROFESSIONALS

Minimum Qualifications

Applicant vendors **must** establish that they meet the following minimum qualifications:

Minimum Requirements

Bond Counsel:

- 1) Law firm experienced in municipal bonding, pooled financing procedures, bond law, and arbitrage. The applicant must meet and possess all certifications necessary to practice as a bond counsel in the State of New Jersey. Additionally, as a minimum, the applicant shall have seven (7) years experience as a bond counsel for municipalities in the State of New Jersey with similarly-sized bonds. The applicant must demonstrate a high degree of knowledge and experience with municipal bonds of at least five million dollars (\$5,000,000.00), pooled financing with an improvement authority, refinancing of existing bonds and helping the town to structure its debt service so as to minimize impact to the taxpayers. The applicant needs to have experience appearing before the Local Finance Board.
- 2) The applicant must also meet all certifications necessary to practice in the State of New Jersey.
- 3) Please provide fee schedule for services.

Borough Auditor:

- 1) Multi-disciplined firm experienced in municipal auditing procedures, bond law, appearing before the Local Finance Board, arbitrage, municipal budgeting and purchasing. The applicant must meet and possess all certifications necessary to practice as a Municipal Auditor in the State of New Jersey. Additionally, as a minimum, the firm shall have five (5) years experience as a Borough Auditor for municipalities in the State of New Jersey with similarly sized budgets. The applicant must demonstrate a high degree of knowledge of the following:
 - a) The finance and operation of local government in New Jersey
 - b) Department of Community Affairs' Local Finance Bulletins and their plethora of rules and regulations for municipal finance administration

- c) New Jersey State financial statutes, including but not limited to:
 - i) N.J.S.A. 40A:11 (Local Public Contracts Law)
 - ii) N.J.S.A. 40A:4 (Local Budget Law)
 - iii) N.J.S.A. 40A:2 (Local Bond Law)
 - iv) N.J.S.A. 40A:9-22.1 (Government Ethics Law)
 - d) All other financial matters pertaining to Boroughs, including budgets, assessments, monitoring reports, investments, audit controls, year-end accounting, Annual Financial Statements, budget preparation, annual audit, supplemental debt statements, etc. and a high degree of knowledge and familiarity with municipal trust funds, developer escrow accounts, utility budgets and dedications by rider. The applicant must also meet all certifications necessary to practice in the State of New Jersey.
- 2) Auditor shall complete the Annual Financial Statement and the Annual Debt Statements by Statutory due dates as a manner of convenience from data provided by the Finance Department.
 - 3) Please provide fee schedule for services.

Borough Engineer:

- 1) All applicable licenses to perform general engineering in New Jersey. Applicant must have at least five (5) years experience as municipal engineer in a similarly-sized municipality. Firm must be multi-disciplined with expertise in road construction, construction management, dams, and with engineers who hold licenses in these areas, MLUL experience, planners & landscape engineers on staff, experience in environmental assessments (wetlands, archaeological, endangered species, and hydrologic studies), GIS, materials testing, surveying, traffic studies and drainage.
- 2) The applicant must demonstrate the ability to:
 - a) Prepare, or cause to be prepared, plans, designs and specifications for Public Works projects and improvement
 - b) Provide and maintain surveys, maps, plans, specifications and control records with respect to Public Works projects in the Borough
 - c) Provide technical and engineering advice and assistance to the Mayor and Council and Borough Administrator
 - d) Ability to update the Tax Map as per the County Tax Assessor's needs
 - e) Attend all Mayor and Council meetings as requested by the Borough Administrator
 - f) Administer and oversee road opening permits on behalf of the Public Works Director
 - g) Prepare, review and approve construction plans and specifications for all capital improvement projects as directed by the Borough Administrator
 - h) Successful record of applying for and receiving road improvement grants

- i) Ability to respond to resident concerns when an engineering project impacts their property as requested by the Borough Administrator
 - j) Experience in engineering inspections of both residential developments and large commercial /industrial projects (over 20,000 sq/ft)
 - k) Experience administering performance bond and maintenance bonds on behalf of the Borough
 - l) Must demonstrate experience with engineering design, inspection and contract administration of annual municipal road projects totaling more than \$1 million
 - m) Documented experience with design, inspection and contract administration of large and small recreation projects
 - n) Please provide fee schedule for services
 - o) Work with Borough officials as needed for OPRA requests
- 3) Each individual project throughout the year will require a “not to exceed” proposal.

Borough Solicitor:

- 1) Multi-disciplined firm with experience in municipal law, municipal litigation and tort claim laws, COAH law and familiarity with Titles 40 & 40A of N.J.S.A. The applicant shall have five (5) years’ experience as a municipal Borough Attorney for a municipality in the State of New Jersey, three (3) years of which should be in a similarly-sized municipality.
- 2) The applicant also must demonstrate a high degree of knowledge, experience and ability with the following:
 - a) The operation of local governmental units in New Jersey
 - b) Acquisition of real-estate (Open Space)
 - c) Assisting with acquiring and administering grants
 - d) Administering Council on Affordable Housing (COAH) programs and Regional Contribution Agreements
 - e) Extensive Experience working with municipal Open Public Records Act requests (OPRA)
 - f) Municipal Land Use Law
 - g) Extensive knowledge of Local Public Contracts Law
 - h) Selling of Borough real estate and/or property
 - i) Experience working in a municipality that is self-insured via a Joint Insurance Fund
 - j) Putting together Employment Practices Liability (EPL) policies to protect the Borough
 - k) Experience in a Borough Form of government is a plus
 - l) Knowledgeable in Election Law, “Pay to Play” Laws and Government Ethics Laws

- 3) The applicant must be licensed to practice law in the State of New Jersey and be a member of the Bar in good standing.
- 4) Include a list of any other professional qualifications, experience and/or credentials you feel are relevant to this RFP/RFQ.
- 5) Annual Retainer amount to cover: compensation for attendance at all regularly scheduled monthly Council Meetings and Council Work Session Meetings, and for any and all telephone conversations between elected officials and/or employees of the Borough.
- 6) Please provide fee schedule for all other legal services.

Employee Assistance Provider:

- 1) To provide professional short-term counseling, consultation and referrals for the Borough's full-time Employees and their immediate family.
- 2) The applicant must have on staff Professional Counselor, licensed in the State of New Jersey with at least five years experience.
- 3) Counseling Services provided will include but not limited to the following:
 - a) Personal and Emotional Problems
 - b) Marital and Family Problems
 - c) Substance Abuse
 - d) Psychological Difficulties
 - e) Psychiatric Diseases
- 4) Include a list of any other professional qualification, experience and/or credentials you feel are relevant to this RFP/RFQ.
- 5) Proposal should include annual fee, which will be paid on a quarterly basis.

Labor Counsel:

- 1) Firm or attorney specializing in public sector labor relations and whose practice is primarily or solely comprised of representing public sector management. The applicant shall have five (5) years experience as a municipal labor attorney for a municipality in the State of New Jersey, five (5) years of which should be in a municipality with at least three (3) CBAs, at least one of which should be a police or fire union.
- 2) The applicant also must demonstrate a high degree of knowledge, experience and ability with the following:
 - a) Collective Bargaining with major public sector unions (ex: FOP, CWA, UFCW) representing management

- b) Interest arbitration with Public Employees Relations Commission (PERC)
 - c) Grievance arbitration with PERC
 - d) PERC directed mediation and/or fact finding
 - e) Formulating management proposals
 - f) Employer-Employee Relations Act, ADA, FMLA, NJ FMLA
- 3) Applicant must list any public sector labor union clients they are currently representing.
 - 4) The applicant must be licensed to practice law in the State of New Jersey and be a member of the Bar in good standing. Include a list of any other professional qualifications, experience and/or credentials you feel are relevant to this RFP/RFQ.
 - 5) Please provide fee schedule for services.

Land Use Boards Engineer

- 1) Must be licensed engineer in the State of New Jersey; must have at least five years experience in representing Land Use Boards in the State of New Jersey; must have the ability to demonstrate experience in Municipal Land Use pertaining to Major and Minor Site Plan applications and to Minor and Major Subdivision applications.
- 2) Please provide fee schedule for all services.
- 3) Please provide fee schedule for any litigation matters.
- 4) Please provide fee schedule for all services for Borough related matters not covered by applicant escrows.

Land Use Boards Planner

- 1) Must be licensed professional planner by the State of New Jersey; must have at least five years experience in serving as a municipal or county planner in the State of New Jersey; must be familiar with New Jersey Land Use Regulations; and must have experience in conducting redevelopment investigations and drafting redevelopment plans.
- 2) Please provide fee schedule for all services.
- 3) Please provide fee schedule for any litigation matters.
- 4) Please provide fee schedule for all services for Borough related matters not covered by applicant escrows.

Land Use Boards Solicitor

- 1) Must be a licensed attorney in the State of New Jersey; must have at least five years experience in representing Land Use Boards and/or municipalities; and must have experience in preparing decisions and resolutions of approval and denial.
- 2) Please provide fee schedule for all services to be paid through applicant escrows.

- 3) Please provide fee schedule for any litigation matters.
- 4) Please provide fee schedule for all services for Borough related matters not covered by applicant escrows.

Prosecutor and Conflict Prosecutors:

- 1) Firm or attorney experienced in municipal government prosecuting. At least five (5) years' experience preferred as prosecutor or in related experience in Municipal Court.
- 2) Must be admitted to and a member in good standing of the Bar of the State of New Jersey.
- 3) Be available to prosecute or provide prosecutorial coverage for the 2020 municipal court calendar which is as follows:
 - a) First, Third and Fourth Monday from 1:00 P.M. – 4:00 P.M.
 - b) Flexibility of schedule for any special trials as needed (not frequent)
 - c) Ending times listed above are the norm, however sometimes the court sessions finish earlier and sometimes they run a little longer
- 4) Provide access to Westville Police Department by phone on as-needed basis.
- 5) Perform all discoveries needed (NJ State Police) for Court sessions.
- 6) Provide an annual cost proposal to perform all of the duties of Municipal Prosecutor for 2020.
- 7) Conflict Prosecutors would be utilized on an as-needed basis, and paid at a rate not to exceed \$200.00 per session.
- 8) Please provide fee for services.

Public Defender and Conflict Public Defenders:

- 1) Firm or attorney experienced in municipal public defending. At least three (3) years' experience preferred as public defender or related experience in Municipal Court.
- 2) Must be admitted to and a member in good standing of the Bar of the State of New Jersey.
- 3) Be available to Public Defend or provide PD coverage for the 2020 municipal court calendar, which is as follows:
 - a) First, Third and Fourth Monday starting a 1:00 p.m to 4:00 p.m.
 - b) Flexibility of schedule for any special trials as needed (not frequent)
 - c) Ending times listed above are the norm; however, sometimes the court sessions finish earlier and sometimes they run a little longer

- 4) Provide an annual cost proposal to perform all of the duties of Municipal Public Defender for 2020.
- 5) Conflict Public Defenders will be utilized on an as-needed basis, and paid at a rate not to exceed \$100.00 per completed case.
- 6) Please provide fee for services

Redevelopment Counsel:

- 1) The Redevelopment Attorney shall be an attorney at law in the State of New Jersey with a sound understanding of the New Jersey Redevelopment Process and at least five (5) years experience in representing public entities in large redevelopment and rehabilitation projects, land use, condemnation, real estate transactions and extensive knowledge of condominium law.
- 2) Redevelopment Attorney shall be responsible for all redevelopment matters. The representation must be complete and include, but not limited to, providing legal opinions, defending the Borough against claims that arise relating to the Borough's redevelopment plans, negotiation and recommending settlement of claims after review, and appearance at arbitration and/or court hearings and trials, as necessary. The Redevelopment Attorney shall draft all legal documents as may be required, including preparation of the Developers Agreement, review of deeds, covenants, easements, etc. The Redevelopment Attorney will also be expected to prepare ordinances and resolutions relevant to the redevelopment, in addition to working with the Borough's Solicitor.
- 3) Please provide fee schedule for all services.

Risk Management Consultant:

- 1) Firm or agent specializing in public sector Joint Insurance Funds and who has at least five (5) years experience representing municipalities as an RMC. Experience in municipalities of a similar scope and size is preferred.
- 2) The applicant also must demonstrate a high degree of knowledge, experience and ability with the following:
 - a) Loss Control
 - b) Risk Management
 - c) Claims Review
 - d) Attendance at JIF Meetings
 - e) Safety Programs
 - f) Identifying insurable exposures
 - g) Certificates of Insurance
 - h) Claims processing and assistance

- 3) Applicant shall submit quarterly bill/reports to the Borough Administrator delineating duties performed, projects worked on and any other efforts on behalf of the Borough of Westville.
- 4) Applicant must list any other public sector JIF clients they are currently representing as RMC.
- 5) Provide an annual percentage amount to perform all of the duties of Risk Management Consultant for 2020.

(Exhibit B)

PROFESSIONAL SERVICES CONTRACTOR CERTIFICATION

I hereby certify as follows:

Subject to the provisions of Section B of Ordinance No. 11-2006

1. Any professional position or service contract not subject to bidding that shall expire as of December 31 of that calendar year shall be advertised by the Mayor's Office, appointing authority or Board as the case may be, in the official newspaper of the Borough of Westville for publication of notices, and published on the Borough's website, not later than December 1. The published notice shall set for the name of the position or contract which is to become open, and set forth the criteria to be considered and materials required to be submitted by the applicant.
2. Should the applicant be a professional acquiring licensure in the State of New Jersey, said applicant shall be licensed for a period not less than five (5) years.
3. The applicant shall submit a "Certificate of Good Standing" or other similar document evidencing that the professional's license is not presently suspended or revoked.
4. The applicant shall submit a resume which shall set forth information including, but not limited to the following (as applicable to a business entity or individual profession):
 - a) Full name and business address
 - b) A listing of post high school education of the applicant
 - c) Dates of licensure in the State of New Jersey and any other State
 - d) A listing of any professional affiliations or memberships in any professional societies or organizations, with an indication as to any offices held therein
 - e) The number of licensed professionals employed by/affiliated with the business entity or the business entity which employs the applicant
 - f) A listing of special accreditations held by the individual licensed professional or business entity
 - g) A listing of previous public entities served by the business entity or licensed professional, indicating the dates of services and position held
5. The Mayor, appointing authority or Board shall thereafter select the professional or business entity for the position so advertised which shall thereafter be confirmed or approved as required by law or Ordinance.

Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the Vendor will be liable for any penalty permitted under law.

Name of Professional Business Entity/Vendor: _____

Signature of Affiant: _____

Printed Name of Affiant: _____

Title: _____ Date: _____

Subscribed and sworn before me this ____ day of _____

_____, 20____.

(Witnessed or attested by)

My Commission expires: _____

(Seal)

(Exhibit C)

**AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27**

**GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)**

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

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

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

COMPANY: _____

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

(Exhibit D)

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27**

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

(Print Name of Company/Firm)

(Date)

(Signature)

(Exhibit E)

APPENDIX A

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

The contractor and the Borough of Westville, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (*42 U.S.C. §121 01 et seq.*), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim, If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

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

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

_____ (Initial and Date)

(Exhibit F)

NON-COLLUSION AFFIDAVIT

State of New Jersey
County of _____

ss:

I, _____ residing in _____
(Name of Affiant) (Name of Municipality)

in the County of _____ and State of _____ of
full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____
(Title or Position) (Name of Firm)

the bidder making this Proposal for the bid entitled _____, and
(Title of Bid Proposal)

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 _____ relies upon the
(Name of Contracting Unit)

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 _____

_____.

Subscribed and sworn to
before me this day

_____, 20____

Signature

(Type or print name of affiant under signature)

Notary Public of

My Commission Expires _____

(Seal)

(Exhibit G)

**STOCKHOLDER DISCLOSURE CERTIFICATION
This Statement Shall Be Included with Bid Submission**

Name of Business _____

- I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned. **OR**
- I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

If a corporation owns all or part of the stock of the corporation or partnership submitting the bid, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that owning corporation. If no one owns 10% or more stock, attest to that.

Check the box that represents the type of business organization:

- Partnership
- Corporation
- Sole Proprietorship
- Limited Partnership
- Limited Liability Corporation
- Limited Liability Partnership
- Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name: _____
 Home Address: _____

Subscribed and sworn before me this ____ day of _____, 20____.

(Affiant)

(Print Name & Title of Affiant)

Notary Public
My Commission expires:

(Corporate Seal)