

# **LINDEN ROSELLE SEWERAGE AUTHORITY**

## **REQUEST FOR QUALIFICATIONS FOR BOND COUNSEL SERVICES CONTRACT**

### **SUBMISSION DEADLINE**

**February 10, 2023 at 10:00 AM**

#### **ADDRESS ALL PROPOSALS TO:**

**LINDEN ROSELLE SEWERAGE AUTHORITY  
5005 SOUTH WOOD AVENUE  
PO BOX 4118  
LINDEN, N.J. 07036**

**ATTN: JESSICA L. SLAWINSKI, QPA**

**LINDEN ROSELLE SEWERAGE AUTHORITY**  
**NOTICE FOR THE SOLICITATION OF QUALIFICATIONS**  
**FOR**  
**PROFESSIONAL SERVICES**  
**UNDER A FAIR AND OPEN PROCESS**

Notice is hereby given that in accordance with N.J.S.A.19:44a-20.4 et seq., the Linden Roselle Sewerage Authority is soliciting qualifications through a fair and open process for the following Professional Services in 2023-2024:

- Engineering Services
- Legal Services
- IT Consultant Services
- Bond Counsel Services
- Risk Management Services
- Electrical Controls & Instrumentation Services

Requests for Qualifications for the above may be obtained from the Linden Roselle Sewerage Authority, 5005 South Wood Avenue, PO Box 4118, Linden, NJ 07036 between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday. The RFQ can be downloaded directly from the Authority's website, [lrsa-nj.gov](http://lrsa-nj.gov). Any RFQ Addenda will be issued on the website and processed in accordance with N.J.S.A. 40:A11-23(c)(1). All interested respondents should check the website from now through RFQ opening. It is the sole responsibility of the respondent to be knowledgeable of all addenda related to this procurement.

Sealed responses to the request are required to be submitted to the Linden Roselle Sewerage Authority, 5005 South Wood Avenue, PO Box 4118, Linden, NJ 07036 on or before **February 10, 2023 at 10:00 A.M.** at which time they will be publicly opened. The envelope containing the proposal shall bear the name and address of the Proposer and the words "RFQ for Professional Services-(stating the type of service)" on the outside of the sealed envelope.

If awarded a contract, your company/firm shall be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.

Jeffrey A. Williams, Executive Director  
January 13, 2023

## **GENERAL INFORMATION AND SUMMARY**

ORGANIZATION REQUESTING PROPOSAL  
LINDEN ROSELLE SEWERAGE AUTHORITY  
5005 SOUTH WOOD AVENUE  
PO BOX 4118  
LINDEN, NJ 07036

## **CONTACT PERSON**

**All questions concerning this RFQ shall be directed, in writing, to:**

JESSICA L. SLAWINSKI, QPA  
VOICE: (908) 474-8444  
FAX: (908) 474-8455  
Email: [purchasing@lrsa-nj.gov](mailto:purchasing@lrsa-nj.gov)

## **PURPOSE OF REQUEST**

The Linden Roselle Sewerage Authority is requesting proposals from qualified individuals and firms to provide Bond Counsel services to the Authority as more particularly described herein. Proposals will be evaluated in accordance with the criteria set forth in the RFQ.

## **SUBMISSION DATE AND TIME**

**February 10, 2023 at 10:00 A.M.**

One (1) Original and One (1) copy. Clearly mark the submittal package with the title of the RFQ and the name of the responding firm, addressed to the Purchasing Manager. The original proposal shall be marked to distinguish it from the original copy. Only those responses received prior to or on the submission date and time will be considered. Sealed proposals may be hand delivered or mailed consistent with the provisions of the Notice of RFQ. In the case of mailed proposals, the Authority assumes no responsibility for proposals forwarded by mail and/or delivery services, of any nature. Any proposal received after the designated date and time will be returned unopened. Proposals will not be accepted by facsimile or e-mail.

## **PERIOD OF CONTRACT**

One Year Commencing Upon Award of Contract

## **INTERPRETATIONS AND ADDENDA**

Respondents are expected to examine the RFQ with care and observe all its requirements. All questions about the meaning or intent of this document, all interpretations and clarifications considered necessary by the owner's representative in response to such comments and questions will be issued by Addenda and mailed or delivered to all parties recorded as having received the RFQ package. Only comments and questions responded to by formal written Addenda will be binding. Oral interpretations, statements or clarifications are without legal effect.

## **DETAILED REQUIREMENTS OF THE REQUEST FOR PROPOSALS FOR BOND COUNSEL SERVICES**

### **1. LINDEN ROSELLE SEWERAGE AUTHORITY-DESCRIPTION**

The Linden Roselle Sewerage Authority (“The Authority”) is a local public body created in 1948 by the City of Linden and Borough of Roselle under the “Sewerage Authorities Law” (N.J.S.A.40:14A-1 et seq.) It was established to contract and operate wastewater treatment and interceptor facilities to collect, treat and dispose of sewerage generated by the municipalities under a Municipal Agreement dated December 6, 1949 and as later amended.

The Authority operations are overseen by the six Members of the Board and day to day operations and administration are conducted by a staff headed by an Executive Director.

The Authority’s service area is 13 square miles and it services a residential population of 60,000. Approximately 25% of the influent sewerage flow is from industrial sources.

The Authority is governed by federal and state regulation. It operates its facilities and discharges treated wastewater to the Arthur Kill under permit No. 0024953 issued by the New Jersey Department of Environmental Protection (N.J.D.E.P). A portion of the effluent is permitted for beneficial reuse for cooling water for electric power generated at an adjacent power plant.

The Authority employs 43 people in four departments:

Administration – Business  
Monitoring – Environmental Compliance  
Operations  
Maintenance

The Authority owns administration, monitoring/laboratory, treatment facilities and various auxiliary buildings at its primary site at 5005 South Wood Ave., Linden, NJ. It also owns a dock facility at the Arthur Kill and various metering pumping stations and pipelines outside of its treatment plant site.

The Authority’s sewerage treatment is classified as “Secondary Treatment” and is designed to treat 17 million gallons per day. It consists of Primary sedimentation, roughing filters, activated sludge, aeration, secondary clarifiers and ultraviolet disinfection for final effluent.

Residuals (sludge) treatment is by gravity thickening of primary sludge, gravity belt thickening (for waste activated sludge). Residual are anaerobically digested and resulting methane gas is utilized for heat or flared (incinerated)

Residual sludge is concentrated with polymer. Final residuals are removed and disposed of off-site by a private contractor. The Authority’s 2023 operating budget is approximately \$10,413,142.00.

## **2. NATURE/SCOPE OF SERVICES – BOND COUNSEL**

The Linden Roselle Sewerage Authority anticipates undertaking certain infrastructure projects that will be eligible for financing through the New Jersey Infrastructure Bank program. The Authority is requesting proposals from qualified individuals and firms for the position of Bond Counsel for services in connection with the undertaking of these projects and participation in this program. The scope of services will include but may not be limited to the following:

- Representing the Authority in all legal matters necessary for issuing debt via the New Jersey Infrastructure Bank program as well as to provide legal services, on an hourly rate basis, for bond related issues.
- Representation of the Authority at all pertinent Local Finance Board meetings.
- Attendance at meetings of the Authority as required, drafting resolutions, and providing opinions and rulings on questions of bond law that may arise.

## **3. SUBMISSION REQUIREMENTS OF TECHNICAL PROPOSAL**

The Qualification Proposal submitted by the Respondent must meet or exceed the professional and administrative qualifications and requirements set forth in this RFP to perform these services and shall incorporate all the information requested below. In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its proposal.

- A. Must provide the name of the proposer, the principal place of business and, if different, the place where the services will be provided.
- B. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
- C. Must have a minimum of ten (10) years representing governmental entities in the field of public finance including experience representing public entities before the New Jersey Local Finance Board.
- D. Firms through their representatives or individuals must be listed as Approved Bond Counsel in the Bond Buyer's Municipal Marketplace Directory (the Red Book).
- E. Must maintain a bona fide office in the State of New Jersey.
- F. Thorough background must be demonstrated related to the proposer's direct involvement with all legal aspects of the debt financing process through the New Jersey Infrastructure Bank.
- G. Must provide a list of individuals who will be performing the work accompanied by resumes detailing relevant education and experience

- H. Must provide a listing of other engagements where similar services of the types being requested were provided by the firm. This should include other N.J. government entities, including Authorities. Contact information for the recipients of the similar services must be provided. The Authority may obtain references from any of the parties listed
- I. EEO/ Affirmative Action Statement (copy of form attached).
- J. A completed Non-Collusion Affidavit (copy of form attached).
- K. A statement that the proposer will comply with the General Terms and Conditions required by the Authority and enter into the Authority's standard Professional Services Contract.
- L. A copy of the proposer's Business Registration Certificate. (Prefer with RFP response. May be provided at time of contract award.)
- M. Stockholder Disclosure Form (copy of form attached).
- N. Combined Certification: Prohibited Activities in Russia and Belarus & Investment Activities in Iran (copy of form attached).

#### **4. FEE PROPOSAL**

Proposers are asked to provide fees or a compensation schedule that describes the basis for billing services for each discrete service item to be offered by selected bond counsel as well as hourly or per diem fees for other services or types of activities.

#### **5. PROPOSAL EVALUATION**

The Authority will select the most advantageous proposals based on all of the evaluation factors set forth at the end of this RFP. The Authority will make the award(s) that is in the best interest of the Authority.

Each proposal must satisfy the objectives and requirements detailed in this RFP. The successful proposer shall be determined by an evaluation of the total content of the proposal submitted. The Authority reserves the right to:

- a. Not select any of the proposals;
- b. Award a contract for the requested services at any time within the year after selection of the most advantageous proposal. Every proposal should be valid through this time period.

The Authority shall not be obligated to explain the results of the evaluation process to any proposer.

The Authority may require proposers to demonstrate any services described in their proposal prior to award.

#### **6. PROPOSAL LIMITATIONS**

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

## **7. USE OF INFORMATION**

Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like ("Information") furnished or disclosed by the Authority to the proposer in connection with this RFP shall remain the property of the Authority. When in tangible form, all copies of such information shall be returned to the Authority upon request. Unless such information was previously known to the proposer, free of any obligation to keep it confidential, or has been or is subsequently made public by the Authority or a third party, it shall be held in confidence by the proposer, shall be used only for the purposes of this RFP, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

## **8. GENERAL TERMS AND CONDITIONS**

- A. The Authority reserves the right to reject any or all proposals, if necessary, or to waive any informalities in the proposals, and, unless otherwise specified by the proposer, to accept any item, items or services in the proposals should it be deemed in the best interest of the Authority to do so.
- B. In case of failure by the successful proposer, the Authority may procure the articles or services from other sources, deduct the cost of the replacement from money due to the proposer under the contract and hold the proposer responsible for any excess cost occasioned thereby.
- C. The proposer shall maintain sufficient insurance to protect against all claims under Workmen's Compensation, General, Professional and Automobile Liability. Certificates of Insurance shall be provided when requested with the Authority named as additional insured.
- D. Each proposal must be signed by the person authorized to do so.
- E. Sealed proposals may be hand delivered or mailed consistent with the provisions of the legal notice to proposers. In the case of mailed proposals, the Authority assumes no responsibility for proposals received after the designated date and time and will return late proposals unopened. Proposals **will not** be accepted by facsimile or e-mail.
- F. No firm may be issued a contract unless it complies with the EEO/Affirmative Action requirements of P.L.1975 C.127 as identified in the documents attached hereto. The form shall be properly executed.
- G. By submission of the proposal, the proposer certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and the successful proposer shall, at its expense, defend any and all actions or suits charging such infringement, and will save the Authority harmless in any case of any such infringement.

- H. No proposer shall influence, or attempt to influence, or cause to be influenced, any Authority Member or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- I. No proposer shall cause or influence, or attempt to cause or influence, any Authority Member or employee to use his/her official capacity to secure unwarranted privileges or advantages for the proposer or any other person.
- J. Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the Authority's decision shall be final and conclusive.
- K. The Authority shall not be responsible for any expenditure of monies or other expenses incurred by the proposer in making its proposal.
- L. The checklist, affidavits, notices and the like presented at the end of this Request for Proposals are a part of this Request for Proposals and shall be completed and submitted as part of this proposal.
- M. "Pay to Play"- Notice of Disclosure Requirement-P.L. 2005, Chapter 271: Any business entity that has received \$50,000 or more in contracts from 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. Annual disclosures require submission by March 30<sup>th</sup> of each year covering contracts and contributions for the prior calendar year. If you have any questions please contact ELEC at: 1-888-313-ELEC (3532) (toll free in NJ) or 609-292-8700.
- N. Prompt Payment-Goods & Services (P.L.2019,c.127) LFN 2019-02- P.L. 2019, c.127 established a prompt payment requirement that applies to goods and services contracts a contracting unit awards to "business concern" under the Local Public Contracts Law (LPCL). The law applies to all goods and services contracts awarded on or after February 1, 2019 (the law's effective date) regardless of dollar amount and any contracts requiring either a single payment or multiple payments. The law does not change the prompt payment requirements for improvements to real property and structures as set forth in N.J.S.A. 2A:30A-1 et seq. The law defines a "business concern" as any person engaged in a trade or business, including a private nonprofit entity operating as an independent contractor, providing goods and services directly to a contracting unit or to a designated third party and operating pursuant to a contract with a contracting unit which requires either a single payment or multiple payments, but shall not include a "public utility" as defined in N.J.S.A. 48:2.13

**END OF GENERAL INSTRUCTIONS**

## **BASIS OF AWARD**

An evaluation team will review all proposals to determine if they satisfy the Proposal Requirements, determine if a proposal should be rejected and evaluate the proposals based upon the Evaluation Criteria. The highest-ranking respondent will then be recommended to the Board for award of contract, based on price and other factors. The arrangement of the criteria is not meant to imply order of importance in the selection process. All criteria will be used to select the successful respondent.

## **EVALUATION CRITERIA**

- A. Relevance and extent of qualifications and experience of personnel to be assigned.
- B. Knowledge of the Linden Roselle Sewerage Authority, or other government entities and the subject matter to be addressed.
- C. Relevance and extent of similar engagements performed and references related thereto.
- D. Thoroughness and completeness of the applicant's submission.
- E. Reasonableness of Compensation Proposal.

## **REQUEST FOR PROPOSAL CHECKLIST**

*THIS CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH YOUR PROPOSAL.*

**Please initial below, indicating that your proposal includes the itemized document.**

*INITIAL BELOW*

- A. An original and two (2) signed copies of your complete proposal. \_\_\_\_\_
- B. Non-Collusion Affidavit properly notarized. \_\_\_\_\_
- C. Authorized signatures on all forms. \_\_\_\_\_
- D. Business Registration Certificate \_\_\_\_\_
- E. Required EEO/Affirmative Action Regulations/Questionnaire \_\_\_\_\_
- F. Stockholder Disclosure Certification \_\_\_\_\_
- G. Addenda Acknowledgement \_\_\_\_\_
- H. Combined Certification: Prohibited Activities in Russia and Belarus & Investment Activities in Iran  
\_\_\_\_\_

This checklist is provided for respondent's use in assuring compliance with required documentation; however, it does not relieve the bidder of the need to read and comply with the specifications.

**THE UNDERSIGNED HEREBY ACKNOWLEDGES THE ABOVE LISTED  
REQUIREMENTS AND HEREBY SUBMITS THE ENCLOSED PROPOSAL FOR THE  
POSITION OF BOND COUNSEL**

NAME OF PROPOSER:

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Person, Firm or Corporation

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BY: (NAME) (TITLE)

## ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA

The undersigned Proposer hereby acknowledges receipt of the following Addenda:

<u>Addendum Number</u>	<u>Dated</u>	<u>Acknowledge Receipt (initial)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**No addenda were received:**

Acknowledged for: \_\_\_\_\_  
(Name of Proposer)

By: \_\_\_\_\_  
(Signature of Authorized Representative)

Name: \_\_\_\_\_  
(Print or Type)

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

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

## 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 Proposer making this Proposal for the bid

entitled \_\_\_\_\_, and that I executed the said proposal with  
(title of bid proposal)

full authority to do so that said Proposer 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 truth of the statements contained in said Proposal

(name of contracting unit)  
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 \_\_\_\_\_  
\_\_\_\_\_  
Signature

\_\_\_\_\_, 2 \_\_\_\_\_  
(Type or print name of affiant under signature)

\_\_\_\_\_  
Notary public of \_\_\_\_\_

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

(Seal)

## **STATEMENT OF OWNERSHIP DISCLOSURE**

**N.J.S.A. 52:2524.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)**

**This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.**

**Name of Organization:** \_\_\_\_\_

**Organization Address:** \_\_\_\_\_

### **Part I Check the box that represents the type of business organization:**

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type)       Limited Liability Company (LLC)
- Partnership       Limited Partnership       Limited Liability Partnership (LLP)
- Other (be specific): \_\_\_\_\_

### **Part II**

- 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. **(COMPLETE THE LIST BELOW IN THIS SECTION)**  
**OR**
- 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 no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

**(Please attach additional sheets if more space is needed):**

<b>Name of Individual or Business Entity</b>	<b>Home Address (for Individuals) or Business Address</b>


**Part III: DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II**

**If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing,** ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

<b>Website (URL) containing the last annual SEC (or foreign equivalent) filing</b>	<b>Page #'s</b>

**Please list** the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II **other than for any publicly traded parent entities referenced above.** The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

<b>Stockholder/Partner/Member and Corresponding Entity Listed in Part II</b>	<b>Home Address (for Individuals) or Business Address</b>

**Part IV Certification**

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the Linden Roselle Sewerage Authority is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with Linden Roselle Sewerage Authority to notify the Linden Roselle Sewerage Authority in writing of any changes to the information contained herein; 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 am subject to criminal prosecution under the law

and that it will constitute a material breach of my agreement(s) with the, permitting the Linden Roselle Sewerage Authority to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:	
Signature:		Date:	

**EEO/AFFIRMATIVE ACTION COMPLIANCE NOTICE**  
**N.J.S.A. 10:5-31 and N.J.A.C 17:27**  
**GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS**

All successful bidders are required to submit evidence of appropriate affirmative action compliance to the Authority and Division of Public Contracts Equal Employment Opportunity Compliance. During a review, Division representatives will review the Authority files to determine whether the affirmative action evidence has been submitted by the vendor/contractor. Specifically, each vendor/contractor shall submit to the Authority, prior to execution of the contract, one of the following documents:

1. Letter of Federal Approval indicating that the vendor is under an existing Federally approved or sanctioned affirmative action program. A copy of the approval letter is to be provided by the vendor to the Authority and the Division. This approval letter is valid for one year from the date of issuance.

**Do you have a federally-approved or sanctioned EEO/AA program?**

**YES    NO**

**If yes, please submit a photostatic copy of such approval.**

2. A Certificate of Employee Information Report (hereafter "Certificate"), issued in accordance with N.J.A.C. 17:27-1.1 et seq. The vendor must provide a copy of the Certificate to the Authority as evidence of its compliance with the regulations. The Certificate represents the review and approval of the vendor's Employee Information Report, Form AA-302 by the Division. The period of validity of the Certificate is indicated on its face. Certificates must be renewed prior to their expiration date in order to remain valid.

**Do you have a State Certificate of Employee Information Report Approval?**

**YES    NO**

**If yes, please submit a photostatic copy of such approval.**

3. The successful vendor shall complete an Initial Employee Report, Form AA-302 and submit it to the Division with a fee of \$150.00 and forward a copy of the Form to the Authority. Upon submission and review by the Division, this report shall constitute evidence of compliance with the regulations. Prior to execution of the contract, the EEO/AA evidence must be submitted. The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) on the Division website [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance). **The successful vendor(s) must submit the AA-302 Report to the Division of Public Contracts Equal Employment Opportunity Compliance, with a copy to the Authority. Form AA-302 can only be submitted one time to the Authority as evidence of compliance.**

*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 and agrees to furnish the required forms of evidence and that their bid shall be rejected as non-responsive if said vendor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27 within the time frame.*

## **EXHIBIT A**

### **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 ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

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

The contractor or subcontractor, 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 afford equal employment opportunities to minority and women workers consistent with Good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:275.2, or Good faith efforts

to meet targeted 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 targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, 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 Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27**.

**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 11 of the Americans With Disabilities Act of 1990 (the "Act") (*42 U.S.C. S121 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 thereto, 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.

## Registering A Business with the New Jersey Department of the Treasury

Business organizations or individuals doing business in New Jersey are required to register with the Department of the Treasury, Division of Revenue. Registration is free and is a one-time action – there are no fees to register. However, you should update your contact and tax eligibility information as needed. Registration is required to conduct most business with any state, county, municipal, local board of education, charter school, county college, authority, or state college or university. The contracting agency may be required to have a copy of the “proof of registration certificate” submitted as part of a public bid or prior to issuing a purchase order.

**To register:** Businesses must complete **Form NJ-REG** and submit it to the Division of Revenue. The form can be filed form online or by mailing a paper form to the Division. Online filing is strongly encouraged.

- Register online at [www.nj.gov/treasury/revenue/taxreg.htm](http://www.nj.gov/treasury/revenue/taxreg.htm). Click the “online” link and then select “Register for Tax and Employer Purposes.”
- Download the paper form and instructions at [www.nj.gov/treasury/revenue/revprnt.htm](http://www.nj.gov/treasury/revenue/revprnt.htm).
- Call the Division at 609-292-1730 to have a form mailed to you.
- Write to the Division at: Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

Note: If you operate a corporation, limited partnership, limited liability company or limited liability partnership, before registering, you must obtain legal authority to operate in the State of New Jersey. Generally, this is accomplished by filing an original business certificate with the Division of Revenue, such as a Certificate of Incorporation or Formation. For more information on this subject, visit [www.nj.gov/treasury/revenue/filecerts.htm](http://www.nj.gov/treasury/revenue/filecerts.htm), or call 609-292-9292.

**Registering as an individual:** There is a simplified registration process for individuals doing business with any New Jersey government agency. The form (NJ-REG-A) may be on the back of this form. If not, it can be downloaded from the web at [www.nj.gov/treasury/revenue/pdforms/rega.pdf](http://www.nj.gov/treasury/revenue/pdforms/rega.pdf). To obtain a copy by mail, call 609-292-1730, or write to the Division at the Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

**Questions about the registration process?** Call 609-292-1730 or submit by e-mail at [www.nj.gov/treasury/revenue/revcontact.html](http://www.nj.gov/treasury/revenue/revcontact.html).

### How do I receive the proof of registration certificate?

- New registrants. When completing Form NJ-REG, make sure you answer “Yes” to the contractor/sub-contractor question (Online - Item 17; Paper Form - Item 18). The Division of Revenue will mail the certificate to the mailing address you supply on your registration form.
- Previously Registered Businesses. Call 609-292-1730 and select option 3. The Division of Revenue’s service agents will take your order and mail you a certificate. Please allow 7 to 10 working days to receive your certificate. Alternately, you may visit the Division’s Client Registration Bureau in person and request a certificate. The address is 847 Roebling Avenue, Trenton, NJ 08611. Service desk hours are 8:30am to 4pm, weekdays, excluding holidays.

**What information does the proof of registration contain?** The certificate displays the following information: Business Name, Trade Name (If Applicable), Tax Payer ID (Usually the Employer Identification Number), Business Address, Contractor Certification Number (State Issued), Certification Issuance Date, Effective Date (Business Start Date Entered on Form NJ-REG).



STATE OF NEW JERSEY  
BUSINESS REGISTRATION CERTIFICATE

**Taxpayer Name:** TAX REG TEST ACCOUNT

**Trade Name:**

**Address:** 847 ROEBLING AVE  
TRENTON, NJ 08611

**Certificate Number:** 1093907

**Date of Issuance:** October 14, 2004

**For Office Use Only:**  
20041014112823533

THESE ARE SAMPLES OF THE ONLY ACCEPTABLE BUSINESS REGISTRATION CERTIFICATES.

PREFER SUBMISSION WITH RFP RESPONSE.  
REQUIRED BY LAW PRIOR TO AWARD OF CONTRACT

**October 20, 2004**

**Revised Contract Language for BRC Compliance**

*Goods and Services Contracts (including purchase orders)*

*\* Construction Contracts (including public works related 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 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 such 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 contacting 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. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

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

<b>STANDARD BID DOCUMENT REFERENCE</b>					
<b>Name of Form</b>	<b>COMBINED CERTIFICATION: PROHIBITED ACTIVITIES IN RUSSIA AND BELARUS &amp; INVESTMENT ACTIVITIES IN IRAN</b>				
<b>Statutory Reference</b>	P.L. 2022, c. 3 N.J.S.A. 52:32-55 et seq. N.J.S.A. 40A:11-2.1 N.J.S.A. 18A:18A-49.4				
<b>Applicability</b>		Y/N		<b>Mandatory</b>	<b>Optional</b>
	LPCL	Y	Goods and Services	X	
	PSCL	Y	Construction		X
<b>Instructions Reference</b>					
<b>Description</b>	<p>P.L. 2022, c. 3 prohibits the award, renewal, amendment, or extension of State and local public contracts for goods or services with persons or entities engaging in prohibited activities in Russia or Belarus. P.L. 2012, c.25 prohibits the award or renewal of State and local public contracts for goods and services with persons or entities engaged in certain investment activities in the energy or finance sectors of Iran.</p> <p>Before a goods and services contract can be entered into, vendors and contractors must certify that neither they nor any parent entity, subsidiary, or affiliate is listed on the New Jersey Department of the Treasury's list of entities determined to be engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3 ("Russia-Belarus list") or in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 list").</p>				

The Certification form requires the insertion of contracting unit identification information which should be filled in (in italics on the form) prior to its use.

## Prohibited Russia-Belarus Activities & Iran Investment Activities

<b>Person or Entity</b>			

### Part 1: Certification

#### COMPLETE PART 1 BY CHECKING ONE OF THE THREE BOXES BELOW

Pursuant to law, any person or entity that is a successful bidder or proposer, or otherwise proposes to enter into or renew a contract, for goods or services must complete the certification below prior to contract award to attest, under penalty of perjury, that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list or Chapter 25 list as a person or entity engaging in prohibited activities in Russia, Belarus or Iran. Before a contract for goods or services can be amended or extended, a person or entity must certify that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list. Both lists are found on Treasury's website at the following web addresses:

<https://www.nj.gov/treasury/administration/pdf/RussiaBelarusEntityList.pdf>

[www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf](http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf).

As applicable to the type of contract, the above-referenced lists must be reviewed prior to completing the below certification.

A person or entity unable to make the certification must provide a detailed, accurate, and precise description of the activities of the person or entity, or of a parent entity, subsidiary, or affiliate, engaging in prohibited activities in Russia or Belarus and/or investment activities in Iran. The person or entity must cease engaging in any prohibited activities and provide an updated certification before the contract can be entered into.

If a vendor or contractor is found to be in violation of law, action may be taken as appropriate and as may be 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.

### CONTRACT AWARDS AND RENEWALS

<input type="checkbox"/>	<p><i>I certify, pursuant to law, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate appears on the N.J. Department of Treasury's lists of entities engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3 or in investment 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. (Skip Part 2 and sign and complete the Certification below.)</i></p>
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<b>CONTRACT AMENDMENTS AND EXTENSIONS</b>	
<input type="checkbox"/>	<p><i>I certify, pursuant to law, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate is listed on the N.J. Department of the Treasury's lists of entities determined to be engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3. 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. (Skip Part 2 and sign and complete the Certification below.)</i></p>
<b>IF UNABLE TO CERTIFY</b>	
<input type="checkbox"/>	<p><i>I am unable to certify as above because the person or entity and/or a parent entity, subsidiary, or affiliate is listed on the Department's Russia-Belarus list and/or Chapter 25 Iran list. I will provide a detailed, accurate, and precise description of the activities as directed in Part 2 below, and sign and complete the Certification below. <u>Failure to provide such will prevent the award of the contract to the person or entity, and appropriate penalties, fines, and/or sanctions will be assessed as provided by law.</u></i></p>
<b>Part 2: Additional Information</b>	

**PLEASE PROVIDE FURTHER INFORMATION RELATED TO PROHIBITED ACTIVITIES  
IN RUSSIA OR BELARUS AND/OR INVESTMENT ACTIVITIES IN IRAN.**

You must provide a detailed, accurate, and precise description of the activities of the person or entity, or of a parent entity, subsidiary, or affiliate, engaging in prohibited activities in Russia or Belarus and/or investment activities in Iran in the space below and, if needed, on additional sheets provided by you.

**Part 3: Certification of True and Complete Information**

*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 <Name of Contracting Unit> is relying on the information contained herein and hereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the <Name of Contracting Unit> to notify the <Name of Contracting Unit> 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. 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 <Name of Contracting Unit> and that the <Name of Contracting Unit> at its option may declare any contract(s) resulting from this certification void and unenforceable.*

Full Name (Print)		Title	

Signature		Date	

