

**NOTE:** The City of New Brunswick Parking Authority will consider proposals only from firms or organizations that have demonstrated the capability and willingness to provide high quality services in the manner described in this Request for Qualifications.

## **REQUEST FOR QUALIFICATIONS**

**FOR THE PROVISION OF LEGAL SERVICES – GENERAL LEGAL COUNSEL, in the following areas of legal expertise: Lease agreements, development, condemnation, land acquisition and appearances in court or before administrative bodies, agencies, or commissions. General Counsel will attend monthly or bimonthly (and any special) board meetings, prepare necessary documents and research for board meetings, and provide general legal counsel to the board of commissioners and executive director. Knowledge of and experience with New Jersey Department of Community Affairs, Division of Local Government Services, and New Jersey parking authority laws and regulations required.**

**ISSUE DATE: December 7, 2023**

**DUE DATE: January 11, 2024 at 1:00 p.m.**

**Issued by:**

**City of New Brunswick Parking Authority**

## **GLOSSARY**

The following definitions shall apply to and are used in this Request for Qualifications:

"Parking Authority" - refers to the City of New Brunswick Parking Authority.

"Qualification Statement" - refers to the complete responses to this RFQ submitted by the Respondents.

"Qualified Respondent" - refers to those Respondents who (in the sole judgment of the Parking Authority) have satisfied the qualification criteria set forth in this RFQ.

"RFQ" - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

"Respondent" or "Respondents" - refers to the interested firm(s) that submit a Qualification Statement.

**NOTICE TO BIDDERS**  
**NEW BRUNSWICK PARKING AUTHORITY**  
**New Brunswick, New Jersey 08901**

**The Parking Authority of the City of New Brunswick will consider proposals only from firms or organizations that have demonstrated the capability and willingness to provide high quality services in the manner described in this Request for Qualifications.**

**Accounting and Auditing Services**  
**Bond Advisor**  
**Bond Counsel**  
**General Counsel**  
**Labor Attorney**  
**Parking Structure Design and Engineering Services**  
**Real Estate Appraisal Services**  
**Special Counsel**

Through a Request for Qualifications process described herein, persons and/or firms interested in assisting the Parking Authority with the provision of said services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Parking Authority will review Qualification Statements only from those firms that submit a Qualification Statement which includes all the information required to be included as described in the Electronic Bid Documents (in the sole judgment of the Parking Authority). The Parking Authority intends to qualify person(s) and/or firm(s) that (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the Parking Authority to provide the greatest benefit to the residents and guests of New Brunswick.

Electronic Bid Documents will be available by 9:00 a.m., prevailing time, on December 7, 2023, and may be downloaded at the following link: <https://www.njnbpa.org/public-bids/>.

A Bid must be submitted in a sealed envelope addressed to the Parking Authority, clearly marked on the outside with the name of the bid category, and the name and address of the Bidder.

Bids will be received, publicly opened and read aloud, at 1:00 p.m., prevailing time, on January 11, 2024, (the "Bid Date and Time") in the office of the Parking Authority at the address identified below. Bids received after the Bid Date and Time will be returned unopened.

All communications concerning this RFQ or the RFQ process shall be directed to the Parking Authority's Designated Contact Person, in writing.

## SECTION 1

### INTRODUCTION AND GENERAL INFORMATION

#### 1.1. Introduction and Purpose.

**The Parking Authority is soliciting Qualification Statements from interested firms that can provide all requested legal services, as General Legal Counsel in the following areas of legal expertise: Lease agreements, development, condemnation, land acquisition and appearances in court or before administrative bodies, agencies, or commissions. General Counsel will attend monthly or bimonthly (and any special) board meetings, prepare necessary documents and research for board meetings, and provide general legal counsel to the board of commissioners and executive director. Knowledge of and experience with New Jersey Department of Community Affairs, Division of Local Government Services, and New Jersey parking authority laws and regulations required.**

Through a Request for Qualification process described herein, persons and/or firms interested in assisting the Parking Authority with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Parking Authority will review Qualification Statements only from those firms that submit a Qualification Statement which includes all the information required to be included as described herein (in the sole judgment of the Parking Authority). The Parking Authority intends to qualify person(s) and/or firm(s) that (a) possesses the professional, financial, and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the Parking Authority to provide the greatest benefit to the residents of New Brunswick.

#### 1.2. Procurement Process and Schedule.

The selection of Qualified Respondents is not subject to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The selection is subject to the "New Jersey Local Unit Pay-to-Play" Law, N.J.S.A. 19:44A-20.4 et seq., however. The Parking Authority has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ Qualification

Statements will be evaluated in accordance with the criteria set forth in Section 2 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

Qualification Statements will be reviewed and evaluated by the Parking Authority and its legal and/or financial advisors (collectively, the "Review Team"). The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative, and financial areas described in this RFQ. Under no circumstances will a member of the review team review responses to an RFQ for a job which they or their firm submitted a response. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Parking Authority will (in its sole judgment) determine which Respondents are qualified (from professional, administrative, and financial standpoints). Each Respondent that meets the requirements of the RFQ (in the sole judgment of the Parking Authority) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Parking Authority.

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Parking Authority reserves the right to, among other things, amend, modify, or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the Parking Authority's Designated Contact Person, in writing.

**Designated Contact Person:**

Mitch Karon  
Executive Director  
New Brunswick Parking Authority  
106 Somerset Street, Floor 6  
New Brunswick, NJ 08901

**Qualification Statements must be submitted to, and be received by, the Parking Authority, via mail or hand delivery, by 1:00 p.m. Prevailing Time on January 11, 2024. Qualification Statements will not be accepted by facsimile transmission or e-mail.**

Subsequent to issuance of this RFQ, the Parking Authority (through the issuance of addenda to all firms that have received a copy of the RFQ) may modify, supplement, or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the Parking Authority.

### **Section 1.3. Conditions Applicable to RFQ.**

Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- This document is an RFQ and does not constitute an RFP.
- This RFQ does not commit the Parking Authority to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- The Parking Authority reserves the right (in its sole judgment) to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.
- The Parking Authority reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ.
- The Parking Authority reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.
- All Qualification Statements shall become the property of the Parking Authority and will not be returned.

- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Parking Authority (in the exercise of its sole discretion) in accordance with law.
- The Parking Authority may request Respondents to send representatives to the Parking Authority for interviews.
- **Any and all Qualification Statements not received by the Parking Authority by 1:00 p.m. Prevailing Time on January 11, 2024 will be rejected.**
- Neither the Parking Authority, nor its employees, consultants, or advisors (including but not limited to the Review Team) shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

#### **Section 1.4. Rights of Parking Authority.**

The Parking Authority reserves, holds, and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.
- To supplement, amend, or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.
- To waive any technical non-conformance with the terms of this RFQ.
- To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.
- To conduct investigations of any or all of the Respondents, as the Parking Authority deems necessary or convenient, to clarify the

information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.

- To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion). If terminated, the Parking Authority may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The Parking Authority shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

### **1.5 Addenda or Amendments to RFQ.**

During the period provided for the preparation of responses to the RFQ, the Parking Authority may issue addenda, amendments, or answers to written inquiries. Those addenda will be noticed by the Parking Authority and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued prior to the proposal submission date.

### **1.6 Cost of Proposal Preparation.**

Each proposal and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the respondent. There shall be no claims whatsoever against the Parking Authority, its staff, or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

### **1.7 Proposal Format.**

Responses should cover all information requested in the Questions to be answered in this RFQ.

Responses which in the judgment of the Parking Authority fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, or contain additions or deletions from requested information, or contain errors may be rejected.



## SECTION 2

### SCOPE OF SERVICES

**It is the intent of the Parking Authority to solicit Qualification Statements from Respondents that have expertise in the provision of legal services for the position of General Legal Counsel in the following areas of: lease agreements, development, condemnation, land acquisition and appearances in court or before administrative bodies, agencies, or commissions. General Counsel will attend monthly or bimonthly (and any special) board meetings, prepare necessary documents and research for board meetings, and provide general legal counsel to the board of commissioners and executive director. Knowledge of and experience with New Jersey Department of Community Affairs, Division of Local Government Services, and New Jersey parking authority laws and regulations required.**

Firms and/or persons responding to this RFQ shall be able to demonstrate that they will have the continuing capabilities to perform these services.

## SECTION 3

### SUBMISSION REQUIREMENTS

#### **Section 3.1 General Requirements.**

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative, and financial qualifications set forth in this Section 3 and shall incorporate 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 Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

### **Section 3.2 Administrative Information Requirements.**

The Respondent shall, as part of its Qualification Statement, provide the following information:

1. An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement.
2. An executed Letter of Qualification (See Appendix A to this RFQ).
3. Name, address, and telephone number of the firm or firms submitting the Qualification Statement pursuant to this RFQ, and the name of the key contact person.
4. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership, and its organizational structure.
  - (a) Provide the names and business addresses of all Principals of the firm or firms submitting the Qualification Statement. For purposes of this RFQ, "Principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of 10% or more in the firm.
  - (b) If a firm is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.
  - (c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in

(b) above for each member of the partnership, joint venture, or similar organization.

5. An executed Letter of Intent (See Appendix B).
6. The number of years your organization has been in business under the present name.
7. The number of years the business organization has been under the current management.
8. A statement that the Respondent is in compliance with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance (See Exhibit A).
9. Any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
10. Whether the business organization is now or has been involved in any bankruptcy or reorganization proceedings in the last ten (10) years. If yes, please explain.
11. Confirm appropriate federal and state licenses to perform activities.
12. A statement of the proposed **flat monthly fee** to prepare for and attend all board meetings, to draft resolutions and legal documents, and to provide general legal counsel to the Parking Authority (including but not limited to any meetings, telephone calls, and correspondence with any member of the Parking Authority, review and/or drafting of contracts or resolutions, and drafting of any legal opinions for the Parking Authority). **The flat monthly fee should be all-encompassing for unlimited service per calendar month**, except for lease agreements, collections activities, and litigated matters, which may be billed separately upon mutual consent.

13. A statement of the proposed hourly fee, and prorating method, for lease agreement drafting services and collections services.

**Section 3.3 Professional Information Requirements.**

a. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:

1. Description and scope of work by Respondent
2. Name, address, and contact information of references
3. Explanation of perceived relevance of the experience to the RFQ

b. Describe the services that Respondent would perform directly.

c. Describe those portions of the Respondent's services, if any, that are subcontracted out. Identify all subcontractors the Respondent anticipates using in connection with this project.

d. Does the Respondent normally employ union or non-union employees?

e. Resumes of key employees

f. A narrative statement of the Respondent's understanding of the Parking Authority's needs and goals.

g. List all immediate relatives of Principal(s) of Respondent who are Parking Authority employees or elected officials of the City. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.

## SECTION 4

### INSTRUCTIONS TO RESPONDENTS

#### 4.1 Submission of Qualification Statements.

Respondents must submit an original and 2 (2) copies of their Qualification Statement to the Designated Contact Person:

Mitch Karon  
Executive Director  
New Brunswick Parking Authority  
106 Somerset Street, Floor 6  
New Brunswick, NJ 08901

**Qualification Statements must be received by the Parking Authority no later than 1:00 p.m. (prevailing time) on January 11, 2024, and must be mailed or hand-delivered. Qualification Statements forwarded by facsimile or e-mail will not be accepted. Qualification statements received after this time will not be considered. The Parking Authority will not bear responsibility for delays in delivery for any reason.**

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. Qualification Statements and all related information must be bound, and signed and acknowledged by the Respondent.

## SECTION 5

### EVALUATION

The Parking Authority's objective in soliciting Qualification Statements is to enable it to select a firm or organization that will provide high quality and cost effective services to the citizens of New Brunswick. The Parking Authority will consider Qualification Statements only from firms or organizations that, in the Parking Authority's judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the Parking Authority in the manner described in this RFQ.

Proposals will be evaluated by the Parking Authority on the basis of the most advantageous submission, all relevant factors considered. The evaluation will consider:

1. Experience and reputation in the field;
2. Knowledge of the Parking Authority and the subject matter addressed under the contract;
3. Availability to accommodate the required meetings of the Parking Authority; and
4. Other factors demonstrated to be in the best interest of the Parking Authority.

## APPENDIX A

### LETTER OF QUALIFICATION

**(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)**

[insert date]

Mitch Karon  
Executive Director  
New Brunswick Parking Authority  
106 Somerset Street, Floor 6  
New Brunswick, NJ 08901

Dear Mr. Karon:

The undersigned has/have reviewed my/our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the City of New Brunswick Parking Authority ("Parking Authority"), dated January 11, 2024, in connection with the Parking Authority's need for GENERAL LEGAL COUNSEL, in the following areas of legal expertise: Lease agreements, development, condemnation, land acquisition and appearances in court or before administrative bodies, agencies or commissions. General Counsel will attend monthly Board Meetings, prepare necessary documents for monthly Board Meetings, and provide general legal counsel to the Board of Commissioners and Executive Director. Knowledge of and experience with New Jersey Department of Community Affairs, Division of Local Government Services, and Parking Authority bylaws required.

I/We affirm that the contents of my/our Qualification Statement (which Qualification Statement is incorporated herein by reference) is accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon express understanding that any false statement may result in the disqualification of (Name of Respondent).

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief

(Signature of Chief

Executive Officer)

Financial Officer)

(Typed Name and Title)

(Typed name and Title)

(Type Name of Firm)\*

(Type Name of Firm)\*

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\* If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Qualification.



**APPENDIX B**  
**LETTER OF INTENT**

**(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)**

[insert date]

Mitch Karon  
Executive Director  
New Brunswick Parking Authority  
106 Somerset Street, Floor 6  
New Brunswick, NJ 08901

Dear Mr. Karon:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the City of New Brunswick Parking Authority ("Parking Authority"), dated January 11, 2024, in connection with the Parking Authority's need for GENERAL LEGAL COUNSEL, in the following areas of legal expertise: Lease agreements, development, condemnation, land acquisition and appearances in court or before administrative bodies, agencies or commissions. General Counsel will attend monthly Board Meetings, prepare necessary documents for monthly Board Meetings, and provide general legal counsel to the Board of Commissioners and Executive Director. Knowledge of and experience with New Jersey Department of Community Affairs, Division of Local Government Services, and Parking Authority bylaws required.

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.
2. (Name of Respondent) agrees (agrees) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Parking Authority's procurement schedule.

3. (Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any proposal prepared and submitted in response to the RFP, or any negotiation which results therefrom shall be borne exclusively by the Respondent.

4. (Name of Respondent) hereby declares (declare) that the only persons participating in this Qualification Statement as Principals are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the Parking Authority. (Name of Respondent) declares that this Qualification Statement is made without connection with any other person, firm or parties who has submitted a Qualification Statement, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.

6. (Name of Respondent) acknowledges and agrees that the Parking Authority may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Parking Authority shall have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.

7. (Name of Respondent) acknowledges that any contract executed with respect to the provision of [insert services] must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

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

\_\_\_\_\_ (Type Name of Firm)\*

Dated: \_\_\_\_\_

\* If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Intent.

**PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK**

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY NOTICE**  
**(N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.)**

**GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS**

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

The successful professional service entity shall submit to the PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK 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 vendor 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. 17:27-1.1 et seq.;  
OR
- (c) A photocopy of an Employee Information Report (Form AA302) provided by the Division of Contract Compliance and distributed to the PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK to be completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Employee Information Report (AA302) from the PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK during normal business hours.

The successful professional service entities must submit one copy of the AA302 (Employee Information Report) to each of the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts Division. One copy is submitted to the PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK, and a Vendor copy is to be retained by the professional service entity.

The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.

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

COMPANY: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

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

**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 will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

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

The contractor or subcontractor agrees to make good faith efforts to meet

targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

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

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

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

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))

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.**

**(REVISED 4/10)**

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

The contractor and the \_\_\_\_\_ of \_\_\_\_\_, (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. 5121 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.

# 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 online or by mailing a paper form to the Division. Online filing is strongly encouraged.

- Register online at. 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/pdfforms/reg\\_a.pdf](http://www.nj.gov/treasury/revenue/pdfforms/reg_a.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 Roebing 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).

**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 that I executed the said proposal with  
(title of bid proposal)  
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 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. 52:25-24.2 (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):

Name of Individual or Business Entity	Address


**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.**

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

**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.**

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Address

**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 *<name of contracting unit>* 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 *<type of contracting unit>* to notify the *<type of contracting unit>* 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 *<type of contracting unit>* to declare any contract(s) resulting from this certification void and unenforceable.

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