

BOROUGH OF SOMERVILLE
25 WEST END AVENUE
SOMERVILLE, NJ 08876
(908) 725-2300 X 1983

REQUEST FOR QUALIFICATIONS:

PROFESSIONAL PLANNING SERVICES

Request for Qualifications/Proposal- Project 2024-008

Contact: Kevin Sluka, Administrator x-1983

BOROUGH OF SOMERVILLE REQUEST FOR QUALIFICATIONS NOTICE PROFESSIONAL PLANNING SERVICES

NOTICE IS HEREBY GIVEN that the Borough of Somerville (the "Borough") is seeking proposals for professional planning services creation of the Borough's Affordable Housing Plan. Kindly submit it to the Office of the Borough Clerk, 25 West End Avenue, Somerville, New Jersey. Proposals will be received by the Clerk-Administrator, for the Borough of Somerville, County of Somerset, State of New Jersey. All proposals must be enclosed in a sealed envelope bearing the name and address of the firm and clearly marked "PROPOSAL FOR PROFESSIONAL PLANNING SERVICES". The Proposals must be delivered before 4:00 p.m. on Wednesday, July 17, 2024, at the Office of the Borough Clerk

Please note the qualifications required.

Please submit with your proposal all the required forms

Re: Request for Qualifications

If you are interested in being selected to provide the services outlined herein, the Borough requires a detailed proposal. The proposal should include, but not be limited to, the following information:

- 1) A schedule of services and fees for services which shall include but not limited to:
 - a. Council Meetings and/or Board Meetings
 - b. Meetings with Administrator, Board Chairs, and appropriate Directors as required.
 - c. Phone communications
 - d. Communications with Mayor & Council and/or Board Chairs & members and Professional staff
 - e. Court attendance
 - f. Preparation
 - g. Travel expenses
 - h. List of billable expenses
- 2) Your qualifications to perform such services
- 3) A list of the individuals from your firm that are expected to perform the services and their qualifications. And the fees for those individuals.
- 4) A list of the firm's clients
- 5) Business Registration Certificate
- 6) Contribution Disclosure Form
- 7) Disclosure of Ownership
- 8) Non-Collusion Affidavit
- 9) Contribution Disclosure Statement
- 10) Disclosure of Investment Activities in Russia or Belarus
- 11) Disclosure of Investment Activities in Iran
- 12) Insurance Requirement Acknowledge Form
- 13) Mandatory Equal Employment Opportunity Notice (require copy before contract execution)

Please note that item #1 is particularly important. The Borough has various PILOT Agreements and Redevelopment Agreements. The charges against the developers' escrow and the Borough shall also be billed in accordance with the billing schedule that is submitted within your proposal. You shall be required to check with the CFO to ensure that escrow funds are in place prior to work being performed. The fee schedule charged against escrows must be clearly defined in Your proposal.

It is important that at a minimum the aforementioned fee schedules be provided which shall include a breakdown of clerical work, meeting attendance time and participation and professional work if applicable. It should be noted that for certain activities a fixed fee amount may be acceptable. Please itemize any activities for which a fixed fee is proposed and the amount of the same.

If selected, you will be required to enter into a contract with the Borough and submit a time sheet/invoice per project for the monthly activity as specifically required thereby

The Governing Body will be provided with a copy of all proposals that were received by the above due date and satisfy the requirements outlined herein. The proposals will be evaluated on price, quality, familiarity of scope of service, ability to produce the required service, and all other factors that are in the best interest of the Borough of Somerville.

Three paper copies are required and one electronic copy. The electronic copy shall be provided by way of a flashdrive.

The Borough reserves the right to use other or additional professionals on matters as it deems necessary.

JOB DESCRIPTION REQUIREMENTS

Land Use Planner – Daily Planning Services

Minimum of 5 years' experience as a municipal land use planner, with a valid planning license in the State of New Jersey. The Planner must have a strong substitute when needed and reliable, identified office support. The Planner must have the ability to meet with applicants as required within the Borough.

Services shall include but not necessarily be limited to the following:

- Review of land use applications for conformance with Redevelopment Plans and land use ordinances
- Preparation of necessary and reasonable Planning Reports based upon the review of land use applications, Redevelopment Plans and land use ordinances and as may be directed or restricted by the Planning and/or Zoning Boards
- Attendance at Planning Board and Zoning Board of Adjustment meetings. The Planning Board meets regularly 24 times per year, usually the 2nd and 4th Wednesday of the month. The Board of Adjustment regularly meets 12 times per year usually the 3rd Wednesday of the month
- Attending to day-to-day land use and zoning issues that arise and affect the Borough and its' Planning and Zoning Boards
- Proven ability to work with applicants to facilitate corrections/changes to applications that allow a quick and efficient review and approval if required.
- Proven ability to suggest cost effective alternative solutions to issues that are cost effective and will eliminate multiple reviews and delays for the applicant.
- Demonstrated ability to control/reduce residential applicant costs through creative thinking/problem solving or suggesting alternative methods to reduce fees.
- Describe how you would approach applications that do not conform to current standards due to pre-existing "non-conforming use
- Interact with the Borough Zoning Officer, Redevelopment Professionals and Planning Board, Zoning Board and Redevelopment Counsel as required and permitted by the Municipal Land Use and the Housing and Redevelopment Laws.
- Describe your experience with working with municipalities who have multiple different zones abutting and multiple redevelopment zones spread throughout the municipality.

- Explain how you would differentiate between single residential, small, mid-sized rehabilitation/redevelopment and larger mixed use/residential developments.
- Describe how you would, through the use of creative thinking; advise the “Boards” as to how ordinances should be amended or created to differentiate the various types of applications

Special care should be taken to describing your professional experience with each of the above along with any information that would differentiate you from other candidates.

**BUSINESS ENTITY DISCLOSURE CERTIFICATION
BOROUGH OF SOMERVILLE**

Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the firm listed below has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding the signed date of the contract to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the BOROUGH OF SOMERVILLE as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

<u>Brian Gallagher</u>	<u>Glen Denys</u>
<u>Theresa Bonner</u>	<u>Thompson Mitchell</u>
<u>RanD Pitts</u>	<u>Roger Vroom</u>
<u>Gina Stravic</u>	

Signature and Attestation:

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

Name of Business Entity: _____

Signature of Affiant: _____ Title: _____

Printed Name of Affiant : _____ Date: _____

Subscribed and sworn before me this ____ day of _____, 2____.

My Commission expires:

(Witnessed or attested by)

(Seal)

Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

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

Name of Stock or Shareholder	Home Address

Signature and Attestation:

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

Name of Business Entity: _____

Signature of Affiant: _____

Title: _____ Printed Name of Affiant

: _____ Date: _____

Subscribed and sworn before me this ____ day of _____, 2__.

(Witnessed or attested by)

My Commission expires:

(Seal)

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY :
 : SS.
COUNTY OF :

I, _____ of the _____

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

I am _____

of the firm of _____

making the submission for the above named Company, and that I executed the said submission
with the full authority to do so; the Company has not, directly or indirectly entered into any
agreements, participated in any collusion or otherwise taken any action in restraint of fair and open
competition in connection with the Company; and that all statements contained in said submission
and in this affidavit are true and correct, and made to the full knowledge that the Borough of
Somerville relies upon the truth of the statements contained in said submission an in the
statements contained in this affidavit in awarding the contract for said service.

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 the commission, percentage,
brokerage or contingent fee.

Subscribed and sworn before me
this _____ day of _____, 20__

Notary Public
State of _____

Signature

My Commission Expires _____

(Type or print name of Affiant and Title)

INSURANCE REQUIREMENTS AND ACKNOWLEDGEMENT FORM

Certificate(s) of Insurance shall be filed with the Borough upon the award of the contract by the Borough:

The minimum amount of insurance to be carried by the Professional Service Entity shall be as follows:

Professional Liability Insurance

Limits shall be a minimum of \$1,000,000.00 for each claim and \$1,000,000.00 aggregate each policy period.

Acknowledgement of Insurance Requirement:

SIGNATURE

DATE

PRINT NAME & TITLE

Disclosure of Investment Activities in Iran

Person or Entity

Part 1: Certification

COMPLETE PART 1 BY CHECKING **EITHER BOX.**

Pursuant to Public Law 2012, c. 25, any person or entity that is a successful bidder or proposer, or otherwise proposes to enter into or renew a contract, must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any parent entity, subsidiary, or affiliate is identified on the State Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The list is found on Treasury's website at www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf.

The Chapter 25 list must be reviewed prior to completing the below certification. If a vendor or contractor is found to be in violation of law, action may be taken as appropriate and as may 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.



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

OR



I am unable to certify as above because the person or entity and/or a parent entity, subsidiary, or affiliate thereof is listed on the N.J. Department of the Treasury's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below sign and complete the Certification below.

Pursuant to N.J.S.A. 52:32-57, et seq. (P.L. 2012, c.25 and P.L. 2021, c.4) any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must certify that neither the person nor entity, nor any of its parents, subsidiaries, or affiliates, is identified on the New Jersey Department of the Treasury's Chapter 25 List as a person or entity engaged in

Part 2: Additional Information

PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN.

You must provide a detailed, accurate and precise description of the activities of the person or entity, or a parent entity, subsidiary, or affiliate thereof engaging in investment activities in Iran below and, if more space is 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 there 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 thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the **Reference to Contracting Unit** to notify the **Reference to 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, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the **Name of Contracting Unit** and that the **Reference to Contracting Unit** at its option may declare any contract(s) resulting from this certification void and unenforceable.*

Full Name (Print)		Title	
Signature		Date	

**CERTIFICATION OF NON-INVOLVEMENT IN PROHIBITED ACTIVITIES
IN RUSSIA OR BELARUS NJ Rev. 1.22.2024**

Pursuant to N.J.S.A. 52:32-60.1, et seq. (L. 2022, c. 3) any person or entity (hereinafter "Vendor") that seeks to enter into or renew a contract with a State agency for the provision of goods or services, or the purchase of bonds or other obligations, must complete the certification below indicating whether or not the Vendor is identified on the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, available here:

<https://sanctionssearch.ofac.treas.gov/>. If the Department of the Treasury finds that a Vendor has made a certification in violation of the law, it shall take any action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

I, the undersigned, certify that I have read the definition of "Vendor" below, and have reviewed the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, and having done so certify:

(Check the Appropriate Box)

A. That the Vendor is not identified on the OFAC Specially Designated Nationals and Blocked Persons list on account of activity related to Russia and/or Belarus.

OR

B. B. That I am unable to certify as to "A" above, because the Vendor is identified on the OFAC Specially Designated Nationals and Blocked Persons list on account of activity related to Russia and/or Belarus.

OR

C. That I am unable to certify as to "A" above, because the Vendor is identified on the OFAC Specially Designated Nationals and Blocked Persons list. However, the Vendor is engaged in activity related to Russia and/or Belarus consistent with federal law, regulation, license or exemption. A detailed description of how the Vendor's activity related to Russia and/or Belarus is consistent with federal law is set forth below.

(Attach Additional Sheets If Necessary.)

Signature of Vendor's Authorized Representative Date

Print Name and Title of Vendor's Authorized Representative

Vendor's FEIN

Vendor's Name

Vendor's Phone Number

Vendor's Address (Street Address)

Vendor's Fax Number

Vendor's Address (City/State/Zip Code)

Vendor's Email Address

Vendor means: (1) A natural person, corporation, company, limited partnership, limited liability partnership, limited liability company, business association, sole proprietorship, joint venture, partnership, society, trust, or any other nongovernmental entity, organization, or group; (2) Any governmental entity or instrumentality of a government, including a multilateral development institution, as defined in Section 1701(c)(3) of the International Financial Institutions Act, 22 U.S.C. 262r(c)(3); or (3) Any parent, successor, subunit, direct or indirect subsidiary, or any entity under common ownership or control with, any entity described in paragraph (1) or (2)

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY NOTICE
(N.J.S.A. 10:5- 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 entity's requirement to comply with the requirements of N.J.S.A. 10:5-31 et. seq. and N.J.A.C. et. seq.

The successful entity shall submit to the Borough of Somerville, after notification of award but prior to the execution of this contract, one of the following three (3) documents as form of evidence:

- 1) A photocopy of a valid letter that the contractor is operating under an existing federally approved or sanctioned affirmative action program (good for one year from the date of the letter):
OR
- 2) A photocopy of a Certificate of Employee Information report approval, issued in accordance with N.J.A.C. 17:27-1.1 et. seq.:
OR
- 3) A photocopy of an Employee Information Report (Form AA302) provided by the Division of Contract Compliance and distributed to the Borough of Somerville to be completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et. seq.

The successful entity may obtain the Employee Report (Form AA302) from the Borough of Somerville during normal business hours.

The undersigned 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. et. seq. and agrees to furnish the required forma as evidence.

The undersigned entity further understands that his/her submission shall be rejected as non-responsive if said 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 et seq.

GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES 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, affection-al 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, up- grading, 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, col-or, 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; or
Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at: http://www.state.nj.us/treasury/contract_compliance.
The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be request-ed 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 Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

COMPANY _____

SIGNATURE _____ PRINT NAME _____

TITLE _____ DATE _____

Goods, General Services and Professional Services Contracts

Upon award of a goods, general services or professional services contract, it is the responsibility of the Public Agency to provide the vendor with the Initial Employee Information Report, Form AA-302, if the vendor does not have a Certificate or Letter of Federal Approval. **The Division does not supply this form to the vendor.** If the Public Agency requires a supply of forms, the Public Agency may download the forms electronically at the following website address

http://www.state.nj.us/treasury/contract_compliance/forms.shtml.

If the vendor has an expired certificate, the vendor must apply for a renewal directly to the Division and file Form AA-302, Employee Information Report. As early as 90 days prior to the expiration of a certificate, a vendor may submit an application for renewal of the certificate with a check or money order for \$150.00 made payable to "Treasurer, State of NJ". A vendor may obtain a duplicate certificate for a fee of \$75.00.

A SAMPLE OF THE EMPLOYEE INFORMATION CERTIFICATE IS SHOWN BELOW:

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



****COPY OF BUSINESS REGISTRATION
CERTIFICATE MUST ACCOMPANY PROPOSAL *****

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS		DEPARTMENT OF TREASURY DIVISION OF REVENUE PO BOX 252 TRENTON, NJ 08646-0252
TAXPAYER NAME: TAX REGISTRATION TEST ACCOUNT	TRADE NAME: CLIENT REGISTRATION	
TAXPAYER IDENTIFICATION#: 970-097-382/500	SEQUENCE NUMBER: 0107330	
ADDRESS: 847 ROEBLING AVE TRENTON NJ 08611	ISSUANCE DATE: 07/14/04	
EFFECTIVE DATE: 01/01/01		
FORM BRC(08-01)	Act Director	

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

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

**AMERICAN WITH DISABILITIES ACT OF 19990
EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITY**

The Contractor and the Borough of Somerville ("Borough") does hereby agree that the provisions of Title 11 of the American with Disabilities Act ("Act") which prohibits discrimination on the basis of disability by entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made part of this contract. In providing any aid, benefit, or services on behalf of the Borough pursuant to this contract, the Contractor agrees that the performance of this contract, the Contractor shall defend the Borough in any action or administrative proceeding commenced pursuant to this Act. The Contractor shall indemnify, protect and save harmless the Borough, 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 an 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 Borough's grievance procedure, the Contractor agrees to abide by any decision of the proceeding results in an award of damages against the Borough of if the Borough 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 Borough 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 Borough or any of its agents, servants and employees, the Borough shall expeditiously forward or have forwarded to the Contractor every demand, complaint, notice, summons, pleading, or other process received by the Borough or its representatives.

It is expressly agreed and understood that any approval by the Borough 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 Borough pursuant to this paragraph.

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

**Disclosure Requirement
“Pay to Play”**

P.L. 2005, Chapter 271, Section 3 Reporting

(N.J.S.A. 19:44A – 20.27)

Any business entity that has received \$50,000 or more in contracts from government entities in a calendar year will be required to file an annual disclosure report with ELEC.

At a minimum, a list of all business entities that file an annual disclosure report will be listed on ELEC’s website at www.elec.state.nj.us.

**If you have any questions please contact ELEC at:
1-888-313-ELEC (toll free in NJ) or
609-292-8700**

END OF THE REQUEST FOR QUALIFICATION PACKAGE