

NOTE: The Borough of Rutherford 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 Proposals.

**BOROUGH OF RUTHERFORD
REQUEST FOR PROPOSALS FOR:**

- | | |
|---|--------------------------------------|
| (1) Architect | (9) Labor Counsel |
| (2) Auditor | (10) Planner |
| (3) Bond Counsel | (11) Prosecutor and Alternate |
| (4) Borough Attorney | (12) Public Defender and Alternate |
| (5) Engineer | (13) Real Estate Tax Appeal Attorney |
| (6) Financial Advisor | (14) Redevelopment Attorney |
| (7) Grant Writer | (15) Risk Manager |
| (8) Insurance Producer/Consultant | (16) Tax Appraiser |
| (17) Special Projects/Conflict Engineer | |

Contract Term

January 1, 2023 through December 31, 2023

ISSUE DATE:

November 28, 2022

SUBMISSION DEADLINE

10:00 A.M.

December 20, 2022

ADDRESS ALL PROPOSALS TO:

Margaret Scanlon
Borough Clerk
176 Park Avenue
Rutherford, NJ 07070

GENERAL INFORMATION & SUMMARY
BOROUGH OF RUTHERFORD
REQUEST FOR PROPOSALS

ORGANIZATION REQUESTING PROPOSAL

Borough of Rutherford
176 Park Avenue
Rutherford, NJ 07070

CONTACT PERSON

Margaret Scanlon
Borough Clerk
176 Park Avenue
Rutherford, NJ 07070

PURPOSE OF REQUEST

The Borough of Rutherford is requesting Proposal Statements from qualified individuals and firms to provide specific services described herein. Through the Request for Proposal process described herein, persons and/or firms interested in providing the Borough with the provision of such services must prepare and submit a Proposal Statement in accordance with the procedure and schedule in this RFP. The Borough will review the Proposal Statement only from those firms that submit a Proposal Statement which includes all the information required as described herein (in the sole judgment of the Borough). The Borough intends to qualify person(s) and/or firm(s) that (1) possess the professional, financial and administrative capabilities to provide the proposed services, and (2) will agree to work under the terms and conditions determined by the Borough to provide the greatest benefit to the taxpayers of the Borough.

PERIOD OF PROPOSAL

January 1, 2023 through December 31, 2023

GLOSSARY

The following definitions shall apply to and are used in this Request for Proposal (RFP):

“Borough” - refers to the Borough of Rutherford.

“Proposal Statement” - refers to the complete responses to this RFP submitted by the Respondents.

“Qualified Respondent” - refers to those Respondents who (in the sole judgment of the Borough) have satisfied the Proposal criteria set forth in this RFP.

“RFP” - Refers to this Request for Proposals, including any amendments thereof or supplements thereto.

“Respondent” or Respondents” - refers to the interested persons and/or firm(s) that submit a Proposal Statement.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1 Introduction and Purpose

The Borough is soliciting Proposal Statements from interested persons and/or firms for the provision of services, as more particularly described herein. Through a Request for Proposal process described herein, persons and/or firms interested in assisting the Borough with the provision of such services must prepare and submit a Proposal Statement in accordance with the procedure and schedule in this RFP. The Borough will review the Proposal Statement only from those firms that submit a Proposal Statement which includes all the information required to be included as described herein (in the sole judgment of the Borough).

The Borough intends to qualify person(s) and/or firm(s) that (1) possess the professional, financial and administrative capabilities to provide the proposed services, and (2) will agree to work under the terms and conditions determined by the Borough to provide the greatest benefit to the taxpayers of the Borough.

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. The Borough 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 Proposal Statement in response to the RFP. Proposal statements will be evaluated in accordance with the criteria set forth in Section 2 of this RFP, which will be applied in the same manner to each Proposal Statement received.

Proposal Statements will be reviewed and evaluated by the Borough. The Proposal Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas described in this RFP. Based upon the totality of the information contained in the Proposal Statement, including information about the reputation and experience of each Respondent, the Borough will (in its sole judgment) determine which Respondents are qualified (professionally, administratively and financially). It is impermissible for a member of the review team to review responses to an RFP for a job which they or their firm submitted a response.

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

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

Each Respondent that meets the requirements of the RFP (in the sole judgment of the Borough) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Borough.

Proposal Statements must be submitted to, and be received by, the Borough, via mail or hand delivery, by 10:00 a.m. prevailing time on December 20, 2022. Proposal Statements will not be accepted by facsimile transmission or e-mail.

Subsequent to issuance of this RFP, the Borough (through the issuance of addenda posted on the Borough's website) may modify, supplement, or amend the provisions of this RFP in order to respond to inquiries received from prospective Respondents or as otherwise deemed appropriate or necessary by (and in the sole judgment of) the Borough.

TABLE 1

ACTIVITY	DATE
1. Issuance of Request for Proposals	November 28, 2022
2. Receipt of Proposal Statements	December 20, 2022
3. Opening of Submissions	December 20, 2022
4. Designation of Qualified Respondent(s)	TBD after review
5. Appointments (In the Borough's Discretion)	On/ After 1/1/2023

1.3 Conditions Applicable to RFP

Upon submission of a Proposal Statement in response to this RFP, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Proposal Statement.

- This document is an RFP.
- This RFP does not commit the Borough to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFP shall be borne solely by the Respondent.
- The Borough 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 RFP from further consideration for this procurement.
- The Borough reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFP, or a Proposal Statement that is not responsive to the requirements of this RFP.
- The Borough reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFP, or otherwise request additional information.
- All Proposal Statements shall become the property of the Borough and will not be returned.
- All Proposal Statements will be made available to the public at the appropriate time, as determined by the Borough (in the exercise of its sole discretion) in accordance with law.
- The Borough may request Respondents to send representatives to the Borough for interviews.
- Absent extraordinary circumstances, any and all Proposal Statements not received by the Borough by December 20, 2022 at 10:00 A.M. prevailing time, will be rejected absent extraordinary circumstances.
- Neither the Borough nor their respective staffs, officials, employees, consultants or advisors shall be liable for any claims or damages resulting from the solicitation or preparation of the Proposal Statement, nor there any reimbursement to Respondents for the cost of preparing and submitting a Proposal Statement or for participating in this procurement process.

1.4 Rights of Borough

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

- To determine that any Proposal Statement received complies or fails to comply with the terms of this RFP.
- To supplement, amend, or otherwise modify the RFP through issuance of addenda to all prospective Respondents who have received a copy of this RFP.
- To waive any technical non-conformance with the terms of this RFP.
- To change or alter the schedule for any events called for in this RFP upon the issuance of notice to all prospective Respondents who have received a copy of this RFP.
- To conduct investigations of any or all of the Respondents, as the Borough deems necessary or convenient, to clarify the information provided as part of the Proposal Statement, and to request additional information to support the information included in any Proposal Statement.
- To suspend or terminate the procurement process described in this RFP at any time (in its sole discretion.). If terminated, the Borough may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

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

1.5 Addenda or Amendments to RFP

During the period provided for the preparation of responses to the RFP, the Borough may issue addenda, amendments, or answers to written inquiries and post same on the Borough's website. Those addenda will be noticed by the Borough on the Borough's website and will constitute a part of the RFP. All responses to the RFP shall be prepared with full consideration of the addenda issued prior to the proposal submission date.

1.6 Cost of Proposal Statement Preparation

Each Proposal Statement and all information required to be submitted pursuant to the RFP shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the Borough, its staff, consultants, officers, officials or employees for reimbursement for the payment of costs or expenses incurred in the preparation of the Proposal Statement or other information required by the RFP.

1.7 Proposal Statement Format

Proposal Statements must cover all information requested in this RFP. Proposal Statements which in the judgment of the Borough fail to meet the requirements of the RFP or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

SECTION 2

SCOPE OF SERVICES

It is the intent of the Borough to solicit Proposal Statements from Respondents that have expertise in the provision of professional services as described below and as set forth in the attached Notice of Solicitation for Responses. Respondents must demonstrate that they will have the continuing capabilities to perform these services.

Description of Scope of Services

1. Architect

Respondent must have experience with NJ municipal projects; attend meetings at the request of the Borough; be responsible for all design services required and management of construction projects on Borough owned properties which may include new facilities or the rehabilitation of existing ones. Prepare documents and bid specifications; identify permits required; review bids and qualifications of bidders; periodic inspections; and project close out. This service is based on an as needed/per project basis. The respondent should provide an hourly rate.

2. Auditor

Respondent must have significant experience in preparing Borough audits, debt statements, budgets, and assigning taxes to properties. The auditor must also be able to perform other duties including issuing vendor licenses in accordance with the laws and regulations of the State of New Jersey and general accounting tasks. The Auditor must be a certified public accountant with a degree in finance or accounting.

3. Bond Counsel

Respondent must have significant experience with matters of public finance and other matters as directed by the Governing Body, including but not limited to the preparation of resolutions authorizing financing, the preparation of any bond ordinances, the authorization, issuance, sale, and delivery of Bonds and/or Bond anticipation notes for the Borough, the assistance in the preparation and review of Official Statement, the preparation and review of the notice of sale and the bond or bond anticipation notes, the preparation of all closing documents necessary for the issuance of bonds or bond anticipation notes, attendance at the closing of the bonds or bond anticipation notes, and preparation and providing final approving opinions for bond or bond anticipation note issues.

4. Borough Attorney

Respondent must have significant experience representing New Jersey governmental entities as general counsel. The successful Respondent will be expected to provide to

the Borough, its Mayor and Council, Clerk, Administrator, and Staff legal advice and services, including but not limited to: performing legal research and providing advisory opinions as needed; ensuring representation to the Borough in federal and state courts and administrative forums; reviewing and/or preparing resolutions and ordinances, reviewing bids and preparing drafts of contracts, attending meetings of the Borough, Mayor and Council, Clerk, Administrator, and Staff, and acting as head of the Legal Department. In addition, the Borough Attorney's office is expected to handle day to day legal proceedings as they arise. The Borough Attorney must have experience in contract and personnel matters.

5. Engineer

Respondent must attend monthly meetings of the Borough, be responsible for the design and inspection of all municipal construction projects which may include new facilities or the rehabilitation of existing ones. The municipal construction projects may involve work in connection with roadway networks, recreational facilities, the water systems, sanitary sewer systems, storm drainage, or municipally owned buildings. The engineer must also have experience in preparing bid specifications.

6. Financial Advisor

Respondent must provide economic services including but not limited to: general economic advice relating to redevelopment projects including but not limited to negotiating Payment in Lieu of Taxes ("PILOT") agreements; and appearing before and/or providing periodic reports and recommendations to the Mayor, Borough Council and Borough Administrator as necessary and appropriate. The Respondent must have familiarity and expertise in economics and specifically creating, formulating, calculating, and negotiating PILOT programs.

7. Grant Writer

Respondent must be proficient in researching and writing grant proposals, should have superior writing and grammar skills, must understand the grant application process, and have the ability to work independently and meet deadlines. The Grant Writer must be able to pay attention to detail and have the ability to understand financial and budget matters.

8. Insurance Producer/Consultant

Respondent will be responsible for evaluation of the local unit's exposure, explanation of the various coverages available from the Bergen Municipal Employee Benefits Fund, assisting the local unit in the selection of proper coverage, preparation of

applications, etc. required by the Fund, reviewing the local unit's assessment and assisting in the preparation of the local unit's insurance budget. Respondent will also be responsible to assist the local unit in the claims settlement process and the administration of the program, provide assistance to the local unit with respect to negotiating and communicating benefit design with bargaining units and employees, to attend employee meetings, to attend the majority of meetings of the Fund Commissioners/Executive Committee and perform such other services as required by the local unit or the Fund, and to prepare and present an annual report for the Mayor and Council outlining the Fund's financial performance and services.

9. Labor Counsel

The successful Respondent must have significant experience representing New Jersey governmental entities as labor counsel. The successful Respondent will be expected to provide to the Borough and Borough Attorney legal advice and services, in connection with employment matters, including but not limited to: performing legal research and providing advisory opinions; attending meetings of the Borough and/or employees upon request; preparing collective negotiation agreements and/or contracts or other legal documents; conducting programs on specific legal issues for the Borough and/or employees upon request, and any other matters as directed by the Borough. The successful Respondent may be requested to represent the Borough in federal and state courts and administrative forums. Labor Counsel shall be part-time and report to the General Counsel.

10. Planner

Respondent must be able to provide professional planning services to the Borough including, but not limited to reviewing and preparing the Master Plan, Housing Plans, Site Plans and Subdivision applications, Zoning Ordinances, proposals for Zoning Amendments and other related planning and zoning matters as specified by the Governing Body. The planner must be familiar with Municipal Land Use Law and COAH regulations and procedures.

11. Prosecutor and Alternate

Respondent must be experienced in New Jersey criminal law and motor vehicle law. Respondent will be responsible for prosecuting motor vehicle violations, including DWI trials and Borough Ordinance violations, disorderly persons offenses, and petty disorderly persons offenses.

12. Public Defender and Alternate

Respondent must be experienced in New Jersey criminal law and motor vehicle law. Respondent will be responsible for defending motor vehicle violations, including DWI trials and Borough Ordinance violations, disorderly persons offenses, and petty disorderly persons offenses.

13. Real Estate Tax Appeal Attorney

Respondent must: defend litigation in the Tax Court; appear before the Bergen County Tax Board; represent the Borough in litigation against taxpayers; meet with the Tax Collector and Tax Assessor; and consult with the Borough regarding collections of unpaid taxes and provide general legal assistance to the tax department on all tax related matters.

14. Redevelopment Attorney

Respondent must have significant experience representing New Jersey governmental entities as Redevelopment Counsel. The successful Respondent will be expected to provide to the Borough, its Mayor and Council, Clerk, Administrator, Planning Board and Staff legal advice and services, including but not limited to:

- A. Represent the Borough in all legal matters related to redevelopment and shall advise and assist the Governing Body, Planning Board and other Departments as required.
- B. Attend meetings and make necessary recommendations to the Governing Body, draft ordinances and resolutions as directed by the Governing Body, and give opinions and rulings on questions of redevelopment law which may arise.
- C. Prepare or approve all legal instruments relating to redevelopment within the Borough.
- D. Represent the Borough in any redevelopment related litigation, and conduct trials, appeals and other proceedings affecting the interest of the Borough as he/she may in his/her discretion determine to be necessary or desirable, subject to the approval of the Governing Body.

15. Risk Manager

Respondent will be responsible for quarterly safety meetings, safety training reminders and monitoring, periodic safety material distribution, risk management recommendations, seasonal hazard reminders, contract review, contractor certificate review, certificate of insurance issuance, claims reporting and handling support and exposure updates (add/remove vehicles, locations).

16. Tax Appraiser

Respondent must be a licensed real estate appraiser holding a certified general license from the State of New Jersey and an MAI designation from the Appraisal Institute that wishes to provide real estate appraisals in the defense of Tax Appeals filed before the Tax Court of New Jersey. In addition, this individual must have been accepted by the Tax Court as an expert in the appraisal of real estate and have prior experience in the defense of Tax Appeals. The duties shall include attendance at conferences, assisting the Tax Assessor in determining future assessments, preparation of appraisal reports, review of appraisal reports provided by a defendant, and providing any other valuation services that the municipality may require.

17. Special Projects/Conflict Engineer

Respondent shall be a New Jersey multi-disciplined licensed professional engineer with experience in flood mitigation, MLUL, traffic studies, environmental assessments, construction management, etc. The respondent must also have experience in design; preparing bid specifications; inspection; and contract management. In times of conflict, engineer may be asked to serve as Borough engineer and/or land use engineer. This service is based on an as needed/per project basis. The respondent should provide an hourly rate.

SECTION 3

SUBMISSION REQUIREMENTS

3.1 General Requirements

The Proposal Statement submitted by the Respondent must meet or exceed the professional, administrative and financial proposals 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 Proposal Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

3.2 Administrative Information Requirements

The Respondent shall, as part of its Proposal 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 Proposal Statement.
2. An executed Letter of Proposal. (**Sample letter in APPENDIX A**)
3. Name, address and telephone number of the Respondent submitting a Proposal Statement pursuant to this RFP, and the name of the key contact person.
4. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each Respondent, its ownership and its organizational structure.

(a) Provide the names and business addresses of all Principals of the Respondent submitting the Proposal Statement. For purposes of this RFP, "Principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who has any operational control over the Respondent, and every stockholder having an ownership interest of 10% or more in the firm. (**Sample form in APPENDIX A**)

(b) If a Respondent 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 Respondent submitting a Proposal 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.

(d) A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance. (Sample forms in **APPENDIX A**)

5. The number of years Respondent has been in business under the present name.
6. The number of years Respondent has been under the current management.
7. Any judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
8. Whether the Respondent is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please explain.
9. Confirm appropriate federal and state licenses to perform activities.
10. An executed letter of intent. (**Sample letter in APPENDIX A**)

3.3 Professional Information Requirements

- a. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFP. At a minimum, the following information on past experience should be included as appropriate to the RFP:
 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 RFP.
- b. Brief description of services that Respondent would perform directly.
- c. Provide a resumes of key employees.
- d. Are union or non-union employees normally employed by Respondent?
- e. A narrative statement of the Respondent's understanding of the Borough's needs and goals.

- f. List all immediate relatives of Principal(s) of Respondent who are Borough employees or elected officials of the Borough. For purposes of this RFP, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild and in-laws.
- g. A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other municipal governments and other levels of government. Contact information for the recipients of the similar services must be provided. The Borough may obtain references from any of the parties listed.
- h. The proposed annual salary and/or hourly rate and/or fee schedule for professional services, as applicable.

SECTION 4

INSTRUCTIONS TO RESPONDENTS

Submission of Proposal Statements

Respondents must submit an original and three (3) copies of their Proposal Statement to the Designated Contact Person.

Proposal Statements must be received by the Borough no later than 10:00 a.m. prevailing time on December 20, 2022, and must be mailed or hand-delivered. Proposal Statements forwarded by facsimile or e-mail will not be accepted.

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

SECTION 5

EVALUATION

The Borough's objective in soliciting Proposal Statements is to enable it to select a Respondent that will provide high quality and cost effective services to the citizens of the Borough of Rutherford. The Borough will consider Proposal Statements only from Respondents that, in the Borough's sole judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the Borough in the manner described in this RFP. Proposal statements will be evaluated by the Borough on the basis of which is the most advantageous, price and other factors considered. The evaluation will consider:

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

Each Proposal Statement must satisfy the objectives and requirements detailed in this RFP.

The Borough will select the most advantageous Proposal Statements based on all of the evaluation factors set forth in this RFP. The Borough will make the award(s) that is in the best interest of the Borough.

Each Proposal Statement must satisfy the objectives and requirements detailed in this RFP. Successful Respondents shall be determined by an evaluation of the total content of the Proposal Statement submitted. The Borough reserves the right to:

- a. Not select any of the Proposal Statements;
- b. Award a contract for the requested services at any time within the Proposal period. Every Proposal Statement should be valid through this time period.

The Borough shall not be obligated to explain the results of the evaluation process to any Respondent.

SECTION 6

GENERAL TERMS AND CONDITIONS

1. The Borough of Rutherford reserves the right to reject any or all Proposal Statements, if necessary, or to waive any informalities in the Proposal Statements, and, unless otherwise specified by the Respondent, to accept any item, items or services in the Proposal statement should it be deemed in the best interest of the Borough to do so.
2. Each Proposal Statement must be signed by the person authorized to do so.
3. Proposal Statements may be hand delivered or mailed consistent with the provisions of the legal notice to Respondents. In the case of mailed Proposal Statements, the Borough assumes no responsibility for Proposal Statements received after the designated date and time and will return late Proposal Statements unopened. Proposal Statements will not be accepted by facsimile or e-mail.
4. In accordance with Affirmative Action Law, P.L. 1975/ c.127 (N.J.A.C. 17:27) with implementation of July 10, 1978, successful Respondents must agree to submit individual employer certifications and numbers or complete Affirmative Action employee information report (form AA-302). Also, during the performance of this contract, the contractor agrees as follows: (a) The contractor or subcontractor where applicable, will not discriminate against any employee because of age, race, creed, color, national origin, ancestry, marital status or affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex or handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and section for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for Employment, notice to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause: (b) 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, sex or handicap; (c) 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 worker's representative of the contractor's commitments under this act and shall post copies of the notice; (d) the

contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the treasurer pursuant to the P.L. 1975, c.127, as amended and supplemented from time to time. (Sample forms in **APPENDIX A**).

5. No Respondent shall influence, or attempt to influence, or cause to be influenced, any Borough officer 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.

6. No Respondent shall cause or influence, or attempt to cause or influence, any Borough officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the proposer or any other person.

7. Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the Borough's governing body's decision shall be final and conclusive.

8. The Borough shall not be responsible for any expenditure of monies or other expenses incurred by the Respondent in making its proposal.

APPENDIX A
REQUIRED ADMINISTRATIVE FORMS

RESPONDENT'S CHECKLIST

Administration:

Vendor:

Document	Initials	Review
1. Letter of Proposal		
2. Non-Collusion Affidavit properly notarized		
3. Public Disclosure Statement		
4. Mandatory Affirmative Action Language		
5. Affirmative Action Compliance Notice		
6. Form AA302 - Employee Information Report		
7. Business Registration Certificate		
8. Letter of intent		
9. Pay to Play Certification		

Note: Original signature(s) on all required forms

LETTER OF Proposal

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

[INSERT DATE]

Mayor Frank Nunziato and Members of the Council
Borough of Rutherford
176 Park Avenue
Rutherford, New Jersey 07070

Dear Mayor Nunziato and Members of the Council:

The undersigned have reviewed the Proposal Statement submitted in response to the Request for Proposals (RFP) issued by the Borough of Rutherford (the "Borough"), dated **[insert date]**, in connection with the Borough's need for **[insert services]**.

We affirm that the contents of our Proposal Statement (which Proposal Statement is incorporated herein by reference) is accurate, factual and complete to the best of our knowledge and belief and that the Proposal 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
Executive Officer) _____

(Signature of Chief
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 Proposal Statement, each participant shall execute this Letter of Proposal.

NON COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
BOROUGH OF RUTHERFORD ss:

I certify that I am

of the firm of

the bidder making the proposal for the above named project, and that I executed the said proposal with full authority so to do; 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 Borough of Rutherford relies upon the truth of the statements contained in said proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed 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 (N.J.S.A.52: 34-25)

(Signature of respondent)

SUBSCRIBED AND SWORN TO

BEFORE ME THIS DAY _____ OF

20_____

(TYPE OR PRINT NAME OF AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF
MY COMMISSION EXPIRES: 20__

(NOTE: THIS FORM MUST BE COMPLETED, NOTARIZED AND RETURNED WITH THIS PROPOSAL).

PUBLIC DISCLOSURE INFORMATION

Chapter 33 of the Public Laws of 1977 provides that no Corporation or Partnership shall be awarded any State, City, Municipal or Schools District contracts for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the bid or accompanying the bid of said corporation or partnership there is submitted a public disclosure information statement. The statement shall set forth the names and addresses of all stockholders in the corporation or partnership who own ten percent (10%) or more of its stock of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein.

STOCKHOLDERS:

NAME	ADDRESS	% OWNED

SIGNATURE

TITLE:

SUBSCRIBED AND SWORN TO

BEFORE ME THIS DAY _____ OF

20_____

(TYPE OR PRINT NAME OF AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF
MY COMMISSION EXPIRES: 20____

(NOTE: THIS FORM MUST BE COMPLETED, NOTARIZED AND RETURNED WITH THIS PROPOSAL).

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27**

**Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)**

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

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post inconspicuous 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 or sex.

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

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

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

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

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

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation 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 and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

The undersigned vendor certifies that he/she received, read, and is aware of the commitment to comply with:

N.J.S.A. 10:5-31 and N.J.A.C. 17:27

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

**Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)**

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

Representative's Name/Title (Print): _____

Representative's Signature: _____

Name of Company: _____

Telephone Number: _____ Date: _____

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. 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 thereunto, 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.

Representative's Name/Title Print: _____

Representative's Signature: _____

Name of Company: _____

Telephone Number: _____

Date: _____

AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27
GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)

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

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

- (a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter); OR
- (b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4; OR
- (c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

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

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

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

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

COMPANY:

SIGNATURE: _____

DATE: _____

PRINT NAME: _____ TITLE: _____

BUSINESS REGISTRATION LANGUAGE AND SAMPLE

Business Registration Language and Sample BRC

Refer to <http://www.state.nj.us/treasury/revenue/busregcert.htm>)

P.L. 2004, c. 57 (N.J.S.A. 52:32-44)

MANDATORY BUSINESS REGISTRATION LANGUAGE

Non Construction Contracts

P.L. 2004, c. 57 (Chapter 57) amends and supplements the business registration provisions of N.J.S.A. 52:32-44 which impose certain requirements upon a business competing for, or entering into a contract with a local contracting agency whose contracting activities are subject to the requirements of the Local Public Contracts Law (N.J.S.A. 40A:11-2).

“New Jersey Business Registration Requirements”

The contractor shall provide written notice to its subcontractors of the responsibility to submit proof of business registration to the contractor.

Before final payment on the contract is made by the contracting agency, the contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and a subcontractor and each of its affiliates [N.J.S.A. 52:32-44(g)(3)] shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to section of P.L.2001, c.134 (C.52:32-44 et al.) or subsection e. or f. of section

92 of P.L.1977, c.110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency.”

**INSTRUCTIONS FOR COMPLETING THE EMPLOYEE INFORMATION REPORT
(FORM AA302) IMPORTANT:**

Read the following instructions carefully before completing the form. Print or type all information. Failure to properly complete the entire form may delay issuance of your certificate.

If you have a current certificate of employee information report, do not complete this form. Send copy of current certificate to the public agency. Do not complete this form for construction contract awards.

ITEM 1 - Enter the Federal Identification Number assigned by the Internal Revenue Service, or if a Federal Employer Identification Number has been applied for, or if your business is such that you have not or will not receive a Federal Employer Identification Number, enter the Social Security Number of the owner or of one partner, in the case of a partnership.

ITEM 2 - Check the box appropriate to your TYPE OF BUSINESS. If you are engaged in more than one type of business check the predominate one. If you are a manufacturer deriving more than 50% of your receipts from your own retail outlets, check "Retail".

ITEM 3 - Enter the total "number" of employees in the entire company, including part-time employees. This number shall include all facilities in the entire firm or corporation.

ITEM 4 - Enter the name by which the company is identified. If there is more than one company name, enter the predominate one.

ITEM 5 - Enter the physical location of the company. Include City, County, State and Zip Code.

ITEM 6 - Enter the name of any parent or affiliated company including the City, County, State and Zip Code. If there is none, so indicate by entering "None" or N/A.

ITEM 7 - Check the box appropriate to your type of company establishment. "Single-establishment Employer" shall include an employer whose business is conducted at only one physical location. "Multi-establishment Employer" shall include an employer whose business is conducted at more than one location.

ITEM 8 - If "Multi-establishment" was entered in item 8, enter the number of establishments within the State of New Jersey.

ITEM 9 - Enter the total number of employees at the establishment being awarded the contract.

ITEM 10 - Enter the name of the Public Agency awarding the contract. Include City, County, State and Zip Code.

ITEM 11 - Enter the appropriate figures on all lines and in all columns. THIS SHALL ONLY INCLUDE EMPLOYMENT DATA FROM THE FACILITY THAT IS BEING AWARDED THE CONTRACT. DO NOT list the same employee in more than one job category. DO NOT attach an EEO-1 Report.

Racial/Ethnic Groups will be defined:

Black: Not of Hispanic origin. Persons having origin in any of the Black racial groups of Africa.

Hispanic: Persons of Mexican, Puerto Rican, Cuban, or Central or South American or other Spanish culture or origin, regardless of race.

American Indian or Alaskan Native: Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander: Persons having origin in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent or the Pacific Islands. This area includes for example, China, Japan, Korea, the Philippine Islands and Samoa.

Non-Minority: Any Persons not identified in any of the aforementioned Racial/Ethnic Groups.

ITEM 12 - Check the appropriate box. If the race or ethnic group information was not obtained by 1 or 2, specify by what other means this was done in 3.

ITEM 13 - Enter the dates of the payroll period used to prepare the employment data presented in Item 12.

ITEM 14 - If this is the first time an Employee Information Report has been submitted for this company, check block "Yes".

ITEM 15 - If the answer to Item 15 is "No", enter the date when the last Employee Information Report was submitted by this company.

ITEM 16 - Print or type the name of the person completing the form. Include the signature, title and date.

ITEM 17 - Enter the physical location where the form is being completed. Include City, State, Zip Code and Phone Number.

TYPE OR PRINT IN SHARP BALL POINT PEN

The vendor is to complete the employee information report form (AA302) and retain copy for the vendor's own files. The vendor is to submit a copy to the public agency awarding the contract and forward a copy to:

NJ Department of the Treasury
Division of Contract Compliance & Equal Employment Opportunity
P.O. Box 209
Trenton, New Jersey 08625-0209
Telephone No. (609) 292-5475

Form: http://nj.gov/treasury/contract_compliance/pdf/aa302.pdf

Instructions: http://nj.gov/treasury/contract_compliance/pdf/aa302ins.pdf

NEW JERSEY FACILITY

STATE OF NEW JERSEY
Division of Contract Compliance & Equal Employment Opportunity
EMPLOYEE INFORMATION REPORT

IMPORTANT- READ INSTRUCTIONS ON BACK OF FORM CAREFULLY BEFORE COMPLETING FORM. TYPE OR PRINT IN SHARP BALLPOINT PEN. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM MAY DELAY ISSUANCE OF YOUR CERTIFICATE. DO NOT SUBMIT EEO-1 REPORT FOR SECTION B, ITEM 11.

SECTION A - COMPANY IDENTIFICATION

1. FID. NO. OR SOCIAL SECURITY	2. TYPE OF BUSINESS <input type="checkbox"/> 1. MFG <input type="checkbox"/> 2. SERVICE <input type="checkbox"/> 3. WHOLESALE <input type="checkbox"/> 4. RETAIL <input type="checkbox"/> 5. OTHER	3. TOTAL NO. EMPLOYEES IN THE ENTIRE COMPANY		
4. COMPANY NAME				
5. STREET	CITY	COUNTY	STATE	ZIP CODE
6. NAME OF PARENT OR AFFILIATED COMPANY (IF NONE, SO INDICATE)		CITY	STATE	ZIP CODE
7. CHECK ONE: IS THE COMPANY: <input type="checkbox"/> SINGLE-ESTABLISHMENT EMPLOYER <input type="checkbox"/> MULTI-ESTABLISHMENT EMPLOYER				
8. IF MULTI-ESTABLISHMENT EMPLOYER, STATE THE NUMBER OF ESTABLISHMENTS IN NJ <input style="width:50px;" type="text"/>				
9. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT <input style="width:50px;" type="text"/>				
10. PUBLIC AGENCY AWARDED CONTRACT	CITY	COUNTY	STATE	ZIP CODE

Official Use Only	DATE RECEIVED	INAUG. DATE	ASSIGNED CERTIFICATION NUMBER

SECTION B - EMPLOYMENT DATA

11. Report all permanent, temporary and part-time employees ON YOUR OWN PAYROLL. Enter the appropriate figures on all lines and in all columns. Where there are no employees in a particular category, enter a zero. Include ALL employees, not just those in minority/non-minority categories, in columns 1, 2, & 3. **DO NOT SUBMIT AN EEO-1 REPORT.**

JOB CATEGORIES	ALL EMPLOYEES			PERMANENT MINORITY/NON-MINORITY EMPLOYEE BREAKDOWN										
	COL. 1 TOTAL (Cols. 2 & 3)	COL. 2 MALE	COL. 3 FEMALE	***** MALE *****					***** FEMALE *****					
				BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON MIN.	BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON MIN.	
Officials/ Managers														
Professionals														
Technicians														
Sales Workers														
Office & Clerical														
Craftworkers (Skilled)														
Operatives (Semi-skilled)														
Laborers (Unskilled)														
Service Workers														
TOTAL														
Total employment From previous Report (if any)														
Temporary & Part-Time Employees	The data below shall NOT be included in the figures for the appropriate categories above.													

12. HOW WAS INFORMATION AS TO RACE OR ETHNIC GROUP IN SECTION B OBTAINED? <input type="checkbox"/> 1. Visual Survey <input type="checkbox"/> 2. Employment Record <input type="checkbox"/> 3. Other (Specify)	14. IS THIS THE FIRST Employee Information Report Submitted? 1. YES <input type="checkbox"/> 2. NO <input type="checkbox"/>	15. IF NO, DATE LAST REPORT SUBMITTED MO. DAY YEAR
13. DATES OF PAYROLL PERIOD USED From: _____ To: _____		

SECTION C - SIGNATURE AND IDENTIFICATION

16. NAME OF PERSON COMPLETING FORM (Print or Type)	SIGNATURE	TITLE	DATE MO. DAY YEAR
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LETTER OF INTENT

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

[insert date]

Mayor Frank Nunziato and Members of the Council
Borough of Rutherford
176 Park Avenue
Rutherford, New Jersey 07070

Dear Mayor Nunziato and Members of the Council:

The undersigned as Respondent, has (have) submitted the attached Proposal Statement in response to a Request for Proposals (RFP), issued by the Borough of Rutherford ("Borough") dated **[insert date]**, in connection with the Borough's need for **[insert services]**.

Name of Respondent HEREBY STATES

1. The Proposal Statement contains accurate, factual and complete information.
2. **Name of Respondent** agrees (agree) to participate in good faith in the procurement process as described in the RFP and to adhere to the Borough'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 Proposal 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 Proposal Statement as Principals are named herein and that no person other than those herein mentioned has any participation in this Proposal 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 Borough. **(Name of Respondent)** declares that this Proposal Statement is made without connection with any other person, firm or parties who has submitted a Proposal 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.

5. **Name of Respondent** acknowledges and agrees that the Borough may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Borough shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFP.

6. **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: _____

(Typed name of Firm) _____

Dated:

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

**CERTIFICATION OF COMPLIANCE WITH THE BOROUGH OF RUTHERFORD'S
CONTRACTOR PAY-TO-PLAY REFORM ORDINANCE 22B-1**

PART I - Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that _____ (name of business entity) has not made any reportable contributions in the one calendar year period immediately preceding on/after January 1, 2022 that would be deemed to be violations of Section 22B-1 of the Borough of Rutherford's Contractor Pay-to-Play Reform Ordinance and that would bar the award of this contract. I further certify that during the term of the contract (name of business entity) will not make any reportable contributions in violation of Ordinance 22B-1.

PART II - 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: _____

Title: _____

Print Name: _____

Date: _____

Subscribed and sworn before me
this day of ____, 20 . (Affiant)

My Commission expires:
(Print Name & Title of Affiant) (Corporate Seal)