REQUEST FOR QUALIFICATIONS

FOR THE PROVISION OF THE FOLLOWING PROFESSIONAL SERVICES FOR 2020:

RUTHERFORD PLANNING BOARD ENGINEER

RUTHERFORD PLANNING BOARD PLANNER

RUTHERFORD PLANNING BOARD ATTORNEY

ISSUE DATE: December 13, 2019
DUE DATE: January 8, 2020

ISSUED BY:

BOROUGH OF RUTHERFORD
THE BOROUGH OF RUTHERFORD

REQUEST FOR QUALIFICATIONS

The Borough of Rutherford is soliciting Qualification Statements from interested persons and/or firms for the provision of the professional service listed below. Through a Request for Qualification (“RFQ”) process, persons and/or firms interested in assisting the Borough with the provision of such service must prepare and submit a Qualification Statement in accordance with the procedure and schedule in the RFQs. The Borough will review Qualification Statements only from those firms that submit a Qualification Statement which includes all the information required to be included as described herein, in the sole judgment of the Borough. The Borough intends to qualify (a) persons and/or firm that (a) possess the professional, financial and administrative capabilities to provide the proposed service, and (b) agree and meet the terms and conditions determined by the Borough that provide the greatest benefit to the citizens of Rutherford.

The selection of Qualified Respondents is not subject to the competitive bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. The selection is subject to the “New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, et seq., however. The Borough has structured a procurement process that seeks to obtain the desired results, while establishing a competitive process, to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ. The factors to be considered by the Borough include, but are not limited to: (i) experience and reputation in the profession; (ii) knowledge of the subject matter to be addressed under contract; (iii) availability to accommodate any required meetings of the Borough or Borough agency; (iv) any other factors demonstrated to be in the best interest of the Borough.

Instruction and Qualification documents may be picked up at the Office of the Borough Clerk, 176 Park Avenue, Rutherford, New Jersey 07070 or downloaded from the municipal website www.rutherfordboronj.com. Completed Qualification Statements must be submitted to, and be received by, Ms. Margaret M. Scanlon, Borough Clerk, 176 Park Avenue, Rutherford, New Jersey 07070 on or before 10:00 a.m. on January 8, 2020. Respondents are instructed to label the outside of the envelope or package to the effect that the enclosure consists of a Qualification Statement in response to this request for the professional service. Qualification Statements will not be accepted by facsimile transmission or email. The responses will be opened after 10:00 a.m. on January 8, 2020 in the Office of the Borough Clerk.

The professional services for which the Borough seeks Qualification Statements is:

Planning Board Engineer
Planning Board Planner
Planning Board Attorney
The instructions for Qualification Statements are filed in the office of Ms. Margaret M. Scanlon, Borough Clerk, 176 Park Avenue, Rutherford, New Jersey 07070, and may be inspected by prospective Respondents during regular business hours.

*Completed Qualification Statements must be submitted in the manner designated above, must be enclosed in sealed envelopes bearing the name and address of the Respondent, and the name of the service on the outside, addressed to the Borough of Rutherford.*

**BY RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF RUTHERFORD.**

Margaret M. Scanlon,
Borough Clerk

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

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

“Board” – refers to the Planning Board of the Borough of Rutherford.

“Borough” – refers to the Borough of Rutherford and/or the Planning Board of the Borough of Rutherford.

“Qualification Statement” – refers to the complete responses to this RFQ submitted by the Respondents.

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

“RFQ” – refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

“Respondent” or “Respondents” – refers to the interested firms that submit a Qualification Statement.
SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1 Introduction and Purpose.

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

1.2 Procurement Process and Schedule.

The selection of Qualified Respondents is not subject to the competitive bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. The selection is subject to the “New Jersey Local Unit Pay-to-Play” Law, N.J.S.A. 19:44A-20.4, et seq., however. The Borough has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that persons and/or firms are provided an equal opportunity to submit a Qualification Statement in response to the RFQ. Qualification Statements will be evaluated in accordance with the criteria set forth in Section 2 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

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

The RFQ process commences with the issuance of this RFQ. The subsequent 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 RFQ, or the RFQ process, shall be directed to the Borough’s Designated Contact Person, in writing.

**Designated Contact Person:**

Margaret M. Scanlon  
Borough Clerk  
176 Park Avenue  
Rutherford, NJ 07070

Qualification Statements must be submitted to, and be received by, the Borough, via mail or hand delivery, by 10:00 a.m. **on January 8, 2020.** Qualification Statements will not be accepted by facsimile transmission or email.

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

**TABLE 1**

**ANTICIPATED PROCUREMENT SCHEDULE**

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>DATE</th>
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<tbody>
<tr>
<td>1. Receipt of Qualification Statements</td>
<td>January 8, 2020</td>
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<tr>
<td>2. Opening of Qualification Statements</td>
<td>January 8, 2020</td>
</tr>
<tr>
<td>3. Appointment of Professional Consultants</td>
<td>Within 60 days of receipt of Qualification Statements</td>
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**Section 1.3. Conditions Applicable to RFQ.**

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

- This document is an RFQ and does not constitute an RFP.
- This RFQ does not commit the Borough to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
The 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 RFQ 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 RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ.

The Borough reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.

All Qualification Statements shall become the property of the Borough and will not be returned.

The Borough may request Respondents to send representatives to the Borough for interviews.

Any and all Qualification Statements not received by the Borough by 10:00 a.m. on January 8, 2020 will be rejected.

Neither the Borough, nor its respective staff, consultants, or advisors (including but not limited to the Review Committee) shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

**Section 1.4. Rights of Borough.**

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

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.

- To supplement, amend, or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.

- To waive any technical nonconformance with the terms of this RFQ.
• To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of the RFQ.

• To conduct investigations of any or all of the Respondents, as the Borough deems necessary of convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.

• To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion). If terminated, the 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 RFQ.

1.5 **Addenda or Amendments to RFQ.**

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

1.6 **Cost of Proposal Preparation.**

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

1.7 **Proposal Format.**

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

Responses which in the judgment of the Borough fail to meet the requirements of the RFQ 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

PLANNING BOARD ENGINEER

It is the intent of the Borough to solicit Qualification Statements from Respondents that have expertise in the provision of all aspects of municipal engineering services, including, but not limited to, all aspects of the public bidding law and contracts; handling of all types of site plans and land use applications; attendance at Board and other assigned meetings; assistance to the Board when necessary; knowledge of environmental and remediation rules and laws; ability to review and handle all types of plans; knowledge of New Jersey Sports and Exposition Authority (NJSEA), (formerly the Meadowlands Commission/NJMC) and State laws and regulations for environmental, waterfront, wetlands, zoning, and other applicable areas of engineering services; and knowledge of municipal and public entity laws and regulations regarding engineering and construction activities. Persons or entities responding to this RFQ must be able to demonstrate that they will have the continuing capabilities to perform these services.

PLANNING BOARD PLANNER

It is the intent of the Borough to solicit Qualification Statements from Respondents that have expertise in the provision of municipal planning consultant services, including but not limited to, variance, site plan and land use applications and litigation; knowledge of the New Jersey Municipal Land Use Law, and zoning laws and regulations; and knowledge of master plans and planning, zoning and affordable housing issues. Persons or entities responding to this RFQ must be able to demonstrate that they will have the continuing capabilities to perform these services.

PLANNING BOARD ATTORNEY

It is the intent of the Borough to solicit Qualification Statements from Respondents that have expertise to serve in the position of Zoning Board of Adjustment attorney, including but not limited to, variance, site plan and land use applications and litigation; knowledge of the New Jersey Municipal Land Use Law, and zoning laws and regulations; and knowledge of master plans and planning, zoning and affordable housing issues. Firms and/or persons responding to this RFQ shall be able to demonstrate that they will have the continuing capabilities to perform these services.
SECTION 3

SUBMISSION REQUIREMENTS

Section 3.1 General Requirements.

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

Section 3.2 Administrative Information Requirements.

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

1. A description of qualifications (not to exceed three (3) pages) to which a resume (not to exceed two (2) pages) may be attached.
2. An executed Letter of Qualification (See Appendix A to this RFQ).
3. An executed Letter of Intent (See Appendix B).
4. An executed Affirmative Action Statement (See Appendix C).

Section 3.3 Description of Qualifications in Response to RFQ.

A. As indicated above, Respondent shall submit a description of its qualifications in providing the type of services sought in the RFQ, which shall not exceed three (3) pages. A resume, which shall not exceed two (2) pages, may be attached to the description. The description shall include the following information:

1. Experience, which should include a statement of the Respondent’s knowledge of the Borough, availability to attend required Board meetings, testimony before courts and land use boards, and experience with cellular and telecommunications tower and antennae applications.
2. Professional licenses.

3. Any judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If there are any such judgments, please explain.

4. Whether the business organization is now or has been involved in any bankruptcy or reorganization proceedings in the last 10 years. If so, please explain.

5. Describe the services that Respondent would perform directly.

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

7. List all immediate relatives of principals of the Respondent who are Borough employees or elected officials of the Borough. For purposes of the above, “immediate relative” means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.

SECTION 4

INSTRUCTIONS TO RESPONDENTS

4.1 Submission of Qualification Statements.

Respondents must submit an original and five (5) copies of their Qualification Statement to the Designated Contact Person:

Margaret M. Scanlon
Borough Clerk
1767 Park Avenue
Rutherford, NJ 07070

Qualification Statements must be received by the Borough no later than 10:00 a.m. on January 8, 2020, and must be mailed or hand delivered. Qualification Statements forwarded by facsimile or email will not be accepted.
To be responsive, Qualifications Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. Qualification Statements and all related information must be bound, signed, and acknowledged by the Respondent.

SECTION 5

EVALUATION

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

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

1. Experience and reputation in the field;

2. Knowledge of the Borough and the subject matter addressed under the contract;

3. Availability to accommodate the required meetings of the Borough; and

4. Other factors demonstrated to be in the best interest of the Borough.
## APPENDIX A
### REQUIRED ADMINISTRATIVE FORMS

### RESPONDENT’S CHECKLIST

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<th>Vendor:</th>
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<tr>
<th>Document</th>
<th>Initials</th>
<th>Review</th>
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<tr>
<td>1. Letter of Qualification</td>
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<td>2. Non-Collusion Affidavit properly notarized</td>
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<td>3. Public Disclosure Statement</td>
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<td>4. Mandatory Affirmative Action Language</td>
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<td>5. Affirmative Action Compliance Notice</td>
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<td>7. Business Registration Certificate</td>
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<td>8. Letter of intent</td>
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<td>9. Pay to Play Certification</td>
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<td>10. Original signature(s) on all required forms</td>
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LETTER OF QUALIFICATION

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

[insert date]

Ms. Margaret M. Scanlon
Borough Clerk
1767 Park Avenue
Rutherford, NJ 07070

Dear Ms. Scanlon:

The undersigned have reviewed our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Borough of Rutherford (“Borough”), dated November 18, 2019, in connection with the Borough’s need for (professional service).

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

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate offices 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 Qualification Statement, each participant shall execute this Letter of Qualification.
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___

(NO: 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:**

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<th>NAME</th>
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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 QUALIFICATION).
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: ____________
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


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


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

<table>
<thead>
<tr>
<th>1. FID. NO. OR SOCIAL SECURITY</th>
<th>2. TYPE OF BUSINESS</th>
<th>3. TOTAL NO. EMPLOYEES IN THE ENTIRE COMPANY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. MFG</td>
<td>2. SERVICE</td>
</tr>
<tr>
<td></td>
<td>4. RETAIL</td>
<td>5. OTHER</td>
</tr>
</tbody>
</table>

4. COMPANY NAME

5. STREET

6. NAME OF PARENT OR AFFILIATED COMPANY (IF NONE, NO INDICATE)  

7. CHECK ONE: IS THE COMPANY  

   ☐ SINGLE-ESTABLISHMENT EMPLOYER  

   ☐ MULTI-ESTABLISHMENT EMPLOYER

8. IF MULTI-ESTABLISHMENT EMPLOYER, STATE THE NUMBER OF ESTABLISHMENTS IN NJ

9. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT

10. PUBLIC AGENCY AWARDING CONTRACT

Official Use Only

DATE RECEIVED  INAC: 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 EEO-1 REPORT.

<table>
<thead>
<tr>
<th>JOB CATEGORIES</th>
<th>ALL EMPLOYEES</th>
<th>PERMANENT MINORITY/NON-MINORITY EMPLOYEE BREAKDOWN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COL. 1 TOTAL</td>
<td>COL. 2 MALE</td>
</tr>
<tr>
<td></td>
<td>(Col. 2-42)</td>
<td></td>
</tr>
</tbody>
</table>

Officials: Manager:

Professionals:

Technicians:

Sales Workers:

Office & Clerical:

Craftworkers: (Skilled):

Operatives: (Semiskilled):

Laborers: (Unskilled):

Service Workers:

TOTAL:

Total Employment From previous Report (if any):

Temporary & Part-Time:

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?  

☐ 1. Visual Survey  ☐ 2. Employment Record  ☐ 3. Other (Specify)

13. DATES OF PAYROLL PERIOD USED

From:  

To:  

1. YES ☐ 2. NO ☐

15. IF NO DATE LAST REPORT SUBMITTED

SECTION C – SIGNATURE AND IDENTIFICATION

16. NAME OF PERSON COMPLETING FORM (Print or Type)  

SIGNATURE

TITLE

DATE

MO  DAY  YEAR
LETTER OF INTENT

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

[insert date]

Ms. Margaret M. Scanlon
Borough Clerk
1767 Park Avenue
Rutherford, NJ 07070

Dear Ms. Scanlon:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (“RFQ”), issued by the Borough of Rutherford (“Borough”), dated November 18, 2019, in connection with the Borough’s need for (professional service).

(Name of Respondent) HEREBY STATES:

1. The Qualification 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 RFQ 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 Qualification Statement and any proposal prepared and submitted in response to the RFP, or any negotiation which results therefrom shall be borne exclusively by the Respondent.

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

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 RFQ.
6. (Name of Respondent) acknowledges and agrees that any contract executed with respect to the provision of (professional service) 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 offices of each company shall sign.)

______________________________
(Signature of Chief Executive Officer)

______________________________
(Typed Name and Title)

______________________________
(Type Name of Firm)*

Dated: ______________

*If a joint venture, partnership, or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Qualification.
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________________________ (date governing body awards contract) that would be deemed to be violations of Section 22B-1 of the Borough of Rutherford’s Contractor Pay-to-Play Reform Ordinance (attached hereto) 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)