

## **Public Notice**

### **Township of Middle** Cape May County, New Jersey

The Township of Middle is accepting Qualification Statements for the following professional services contracts through the Fair and Open Process for calendar year 2017, with an option to renew for the period of January 1, 2018- December 31, 2018 in accordance with N.J.S.A. 19:44A-20.5, et. seq.:

#### **ON-CALL HVAC SERVICES AND REPAIR AT VARIOUS FACILITIES -LICENSED HVAC CONTRACTOR-**

RFQ specification documents may be obtained by contacting Township Purchasing Agent, Josh Niemann, by email at [Jniemann@middletownship.com](mailto:Jniemann@middletownship.com). Submission deadline is 10:30am, August 1<sup>st</sup>, 2017.

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

**REQUEST FOR QUALIFICATIONS AND FINANCIAL PROPOSAL  
FOR THE SERVICES OF LICENSED HVAC CONTRACTOR TO PROVIDE ON-  
CALL HVAC SERVICES AND REPAIRS AT VARIOUS FACILITIES FOR THE  
BALANCE OF 2017 WITH AN OPTION TO RENEW FOR THE PERIOD OF  
JANUARY 1, 2018 – DECEMBER 31, 2018**



**ISSUE DATE: July 5, 2017  
DUE DATE: August 1, 2017**

**DOCUMENT SUBMISSION CHECKLIST**

**Required  
With  
Bid**

**Read,  
Signed  
& Submitted  
Bidder's Initial**

**A. FAILURE TO SUBMIT ANY OF THESE ITEMS IS MANDATORY CAUSE FOR REJECTION OF BID**

- Stockholder Disclosure Certification \_\_\_\_\_
- Non-Collusion Affidavit \_\_\_\_\_
- Acknowledgement of Receipt of Addenda (To be Completed if Addenda are Issued) \_\_\_\_\_
- Required Evidence EEO/Affirmative Action Regulations Certificate or Questionnaire \_\_\_\_\_
- Public Works Contractor Registration/HVAC Licenses (All required) \_\_\_\_\_
- Investments in Iran Disclosure \_\_\_\_\_
- Answered Evaluation Criteria \_\_\_\_\_

**B. MANDATORY ITEM(S), REQUIRED NO LATER THAN TIME PERIOD INDICATED**

- Business Registration Certificate – Contract Award \_\_\_\_\_
- Business Registration Certificate – Named /Listed Subcontractor(s) to be registered at time of bid submission \_\_\_\_\_
- Certificate of Insurance naming the Township of Middle additionally insured due when award a contract \_\_\_\_\_

**C. READ ONLY**

- Americans With Disability Act of 1990 Language \_\_\_\_\_

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

Name of Bidder: \_\_\_\_\_

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

By Authorized Representative:

Signature: \_\_\_\_\_

Print Name & Title: \_\_\_\_\_

## **GLOSSARY**

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

“Township” - refers to the Township of Middle.

“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 Township) have satisfied the qualification criteria set forth in this RFQ.

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

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

## **SECTION 1**

### **INTRODUCTION AND GENERAL INFORMATION**

#### **1.1. Introduction and Purpose.**

The Township is soliciting Qualification Statements from interested persons and/or firms for the provision of Licensed HVAC services for the purpose of providing On-Call HVAC Services and Repair at Various Township Facilities. Through the Request for Qualification process described herein, persons and/or firms interested in assisting the Township with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Township will review Qualification Statements only from those interested persons and/or firms that submit a Qualification Statement that includes all the information required to be included as described herein (in the sole judgment of the Township). The Township intends to qualify person(s) and/or firm(s) that (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the Township to provide the greatest benefit to the taxpayers of The Township of Middle.

#### **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. 19:44-20.4 et seq., however. The Township has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ. Qualification Statements will be evaluated in accordance with the criteria set forth in Section 2 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

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

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Township 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 Township's Designated Contact Person, in writing.

**Designated Contact Person:**

Kimberly Krauss  
Township Clerk  
Township of Middle  
33 Mechanic Street  
Cape May Court House, New Jersey 08210

**Qualification Statements must be submitted to, and be received by, the Township, via mail or hand delivery, by 10:30 a.m. on August 1<sup>st</sup>, 2017. Qualification Statements will not be accepted by facsimile transmission or e-mail.**

Subsequent to issuance of this RFQ, the Township (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 Township.

**TABLE 1**

**ANTICIPATED PROCUREMENT SCHEDULE**

<b>ACTIVITY</b>	<b>DATE</b>
1. Issuance of Request for Qualifications	July 5 <sup>th</sup> , 2017
2. Receipt of Qualification Statements/Opening of Bids	August 1 <sup>st</sup> , 2017
3. Notification of Prequalification	August 10 <sup>th</sup> , 2017 or thereafter

**1.3. Conditions Applicable to RFQ.**

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

- This document is an RFQ and does not constitute a Request for Proposals

("RFP"), nor does it commit the Township 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 Township 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 Township 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 this RFQ.
- The Township 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 Township and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Township (in the exercise of its sole discretion) in accordance with law.
- The Township may request Respondents to send representatives to the Township for interviews.
- Any and all Qualification Statements not received by the Township by 10:30 a.m. on August 1<sup>st</sup>, 2017 will be rejected.
- Neither the Township, nor their respective staffs, consultants or advisors (including but not limited to the Review Team) shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

#### **1.4. Rights of The Township.**

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

- To determine that any Qualification Statement received complies or fails to

comply with the terms of this RFQ.

- To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.
- To waive any technical non-conformance with the terms of this RFQ.
- To change or alter the schedule for any events called for this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.
- To conduct investigations of any or all of the Respondents, as the Township deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
- To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion.) If terminated, the Township may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.
- The Township 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 Township may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Township 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 Township, 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 Township 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**

- 2.1** It is the intent of the Township to solicit Qualification Statements from LICENSED HVAC CONTRACTORS in the State of New Jersey that have expertise in the provision of the HVAC CONTRACTOR services as warranted by the Township. Firms and/or persons responding to this RFQ shall be able to demonstrate that they will have the continuing capabilities to perform such services.
- 2.2** All repair calls shall be honored within a twenty-four-hour period or before, following proper authorization forms the General Supervisor.
- 2.3** All emergency calls shall have a one (1) hour response time.
- 2.4** All other services shall be performed at the mutual convenience of the bidder and Owner.
- 2.5** All HVAC services and repairs, when necessary, shall be performed on any installation or facility of the Owner, including inside and outside work pertinent to Township Buildings and Public Property.
- 2.6** The LICENSED HVAC CONTRACTOR shall be responsible for obtaining any necessary permits, if and/or when required.
- 2.7** Materials furnished shall be Underwriter approved. All HVAC work shall meet the requirements of the local HVAC code.

## **SECTION 3**

### **SUBMISSION REQUIREMENTS**

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

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit

supplemental information that it feels may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

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

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

- a. A summary page containing information requested in this Qualification Statement.
- b. An executed Letter of Qualification.
- c. Name, address and telephone number of the firm or firms submitting the Qualification statement pursuant to this RFQ, and the name of the key contact person.
- d. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and its organizational structure.
  1. Provide the names and business addresses of all Principals of the firm or firms submitting the Qualification Statement. For purposes of this RFQ, "Principals" means persons possessing an ownership, interest in the Respondent. IF the Respondent is a corporation, "Principals" shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of 10% or more in the firm.
  2. If a firm is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and described the nature and extent of the parents' approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.
  3. 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.
- e. An executed Letter of Intent (See Appendix B).
- f. The number of years your organization has been in business under the

present name.

- g. The number of years the business organization has been under the current management.
- h. A statement that the Respondent is in compliance with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
- i. Any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
- i. Whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please explain.
- j. Confirm appropriate federal and state licenses to perform activities.
- k. To list compliance or concern with a sixty-day extension if necessary by the Township of Middle.

### **3.3 Professional Information Requirement.**

- a. Respondent shall submit a description of its overall experience in the provision of the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ.
  - 1. Description and scope of work by Respondent.
  - 2. Name, address and contact information of references (5).
  - 3. Explanation of perceived relevance of the experience to the RFQ.
  - 4. Describe the services that Respondent would perform directly.
  - 5. Describe those portions of the Respondent's services, if any, for which the Respondent uses a sub-contractor. Identify all subcontractors the Respondent anticipates using in connection with this project.
  - 6. Does the Respondent normally employ union or non-union employees?
  - 7. Resumes of key employees.

8. A narrative statement of the Respondent's knowledge of the Township's needs and goals.
9. List all immediate relatives of Principal(s) of Respondent who are Township employees or elected officials of the Township. For purposes of the above "immediate relative" means a spouse, parent, step parent, brother, sister, child, stepchild, direct-line aunt or uncle, grandchild, and in-laws by reason of relation.
10. Respondent shall supply a company rate sheet for HVAC services for a Foreman, Journeyman and Apprentice.
- 11.
12. Copy of Contractor's Business Registration Certificate [N.J.S.A.52:34-44].
13. Copy of Contractor's Public Works Contractor Registration Certificate [N.J.S.A 34:11-56.51].

## **SECTION 4**

### **SUBMISSION OF QUALIFICATION STATEMENT**

#### **4.1 Submission to Designated Contact Person; Date.**

Respondents must submit an original and one (1) copy of their Qualification Statement to the Designated Contact Person:

Kimberly Krauss  
Township Clerk  
Township of Middle  
33 Mechanic Street  
Cape May Court House, New Jersey 08210

Qualification Statements must be received by the Township no later than 10:30 a.m. on August 1, 2017, and must be mailed or hand delivered. Qualification Statements forwarded by facsimile or e-mail **will not** be accepted.

## **SECTION 5**

### **EVALUATION**

#### **5.1 Evaluation Objective.**

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

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

#### **5.2 Evaluation Criteria.**

Proposals will be evaluated by the Township 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 Township and the subject matter addressed under the contract;
3. Availability to accommodate the needs of the Township; and
4. Other factors demonstrated to be in the best interest of the Township.

APPENDIX A

LETTER OF QUALIFICATION

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

Kimberly Krauss  
Township Clerk  
Township of Middle  
33 Mechanic Street  
Cape May Court House, New Jersey 08210

Dear Ms. Krauss:

The undersigned have reviewed our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by The Township of Middle, ("Township"), dated \_\_\_\_\_ in connection with the Township's need for (insert service) for the Township of Middle.

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 officers of each company 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)

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

## APPENDIX B

### LETTER OF INTENT

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

Kimberly Krauss  
Township Clerk  
Township of Middle  
33 Mechanic Street  
Cape May Court House, New Jersey 08210

Dear Ms. Krauss,

The undersigned as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ) issued by the Township of Middle ("Township"), dated (date), in connection with the Township's need for (Insert Service) the Township of Middle.

(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 Township'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 (RFQ), 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 the 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 Township. (Name of Respondent) declares that the Qualification Statement is made without connection with any other person, firm or parties who has submitted a Qualification Statement except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.
5. (Name of Respondent) acknowledges and agrees that the Township may modify,

amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Township 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 that any contract executed with respect to the provision of (insert service) must comply with all applicable affirmative and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.
7. (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 Qualification Statement, each participant shall execute this Letter of Intent.



Township of Middle

STOCKHOLDER DISCLOSURE CERTIFICATION

N.J.S.A. 52:25-24.2 (P.L. 1977 c.33)

CHECK ONE:

- I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.
I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Legal Name of Bidder Business:

Check which business entity applies:

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

Complete if the bidder/respondent is one of the 3 types of Corporations:

Date Incorporated: Where Incorporated:

Business Address:

Form with fields for STREET ADDRESS, CITY, STATE, ZIP, TELEPHONE #, FAX #, EMAIL

Listed below are the names and addresses of all stockholders, partners or individuals who own 10% or more of its stock of any classes, or who own 10% or greater interest therein.

Form with columns for NAME and HOME ADDRESS for stockholders

CONTINUE ON ADDITIONAL SHEETS IF NECESSARY: Yes No

Signature: Date:

Printed Name and Title:

**Township of Middle**

**NON-COLLUSION AFFIDAVIT**

State of \_\_\_\_\_  
Township of \_\_\_\_\_

ss:

I, \_\_\_\_\_ of the City of  
\_\_\_\_\_

in the Township of \_\_\_\_\_ and State of \_\_\_\_\_, of full age, being  
duly sworn according to law on my oath depose and say that:

I am \_\_\_\_\_ of the firm of  
\_\_\_\_\_

the bidder making this 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 Township of Middle 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 or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by \_\_\_\_\_.  
(name of contractor)

(N.J.S.A. 52:34-15)

Subscribed and sworn to

before me this \_\_\_\_\_ day

of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature

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

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

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

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

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

**Goods and General Service Vendors**

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

**Do you have a federally-approved or sanctioned EEO/AA program?**      Yes     No   
**If yes, please submit a photo static copy of such approval.**

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

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) on the Division website [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance).

***The 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.***

BIDDER: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

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

**EXHIBIT A**  
**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**  
**N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)**  
**N.J.A.C. 17:27**  
**GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS**

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

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

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

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

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

The contractor or subcontractor agrees to make good faith efforts to meet targeted Township employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges,

universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

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

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

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

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

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

## Township of Middle

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

The Contractor and the Owner, do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim, if any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

**Township of Middle**  
**Revised Contract Language for BRC Compliance**

*Goods and Services Contracts (including purchase orders)*

*\* Construction Contracts (including public works related purchase orders)*

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that **knowingly** provide goods or perform services for a contractor fulfilling this contract:


- 1) the contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
- \*2) subcontractors through all tiers of a project must provide written notice to their subcontractors and suppliers to submit proof of business registration and subcontractors shall collect such proofs of business registration and maintain them on file;
- 3) prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors and suppliers\* or attest that none was used; and,
- 4) during the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.


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

**ALERT**  
**FAILURE TO POSSESS A**  
**NEW JERSEY BUSINESS REGISTRATION CERTIFICATE**  
**MAY BE CAUSE FOR REJECTION OF YOUR BID RESPONSE**

**Township of Middle**  
THESE ARE **SAMPLES** OF THE **ONLY** ACCEPTABLE  
BUSINESS REGISTRATION CERTIFICATES.

FAILURE TO POSSESS A NEW JERSEY BUSINESS REGISTRATION CERTIFICATE  
WILL BE CAUSE FOR REJECTION OF YOUR BID RESPONSE

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS		DEPARTMENT OF TREASURY DIVISION OF REVENUE PO BOX 252 TRENTON, N.J. 08646-0252
TAXPAYER NAME: <b>TAX REGISTRATION TEST ACCOUNT</b>	TRADE NAME: <b>CLIENT REGISTRATION</b>	
TAXPAYER IDENTIFICATION#: <b>970-097-382/500</b>	SEQUENCE NUMBER: <b>0107330</b>	
ADDRESS: <b>847 ROEBLING AVE TRENTON NJ 08611</b>	ISSUANCE DATE: <b>07/14/04</b>	
EFFECTIVE DATE: <b>01/01/01</b>		
FORM-BRC(02-01)	<small>Acting Director</small>	
<small>This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.</small>		

 STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE	
<b>Taxpayer Name:</b>	<b>TAX REG TEST ACCOUNT</b>
<b>Trade Name:</b>	
<b>Address:</b>	<b>847 ROEBLING AVE TRENTON, NJ 08611</b>
<b>Certificate Number:</b>	<b>1093907</b>
<b>Date of Issuance:</b>	<b>October 14, 2004</b>
<b>For Office Use Only:</b>	
<b>20041014112823533</b>	



**Township of Middle**  
Township of Cape May, New Jersey  
Division of Purchasing  
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

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**Solicitation Number:** \_\_\_\_\_ **Bidder/Offeror:** \_\_\_\_\_

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Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that the person or entity, or one of the person or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the Department of the Treasury as a person or entity engaging in investment activities in Iran. If the Director finds a person or entity to be in violation of the principles which are the subject of this law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the person or entity.

**I certify, pursuant to Public Law 2012, c. 25, that the person or entity listed above for which I am authorized to bid/renew:**

is not providing goods or services of \$20,000,000 or more in the energy sector of Iran, including a person or entity that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran, **AND**

is not a financial institution that extends \$20,000,000 or more in credit to another person or entity, for 45 days or more, if that person or entity will use the credit to provide goods or services in the energy sector in Iran.

**In the event that a person or entity is unable to make the above certification because it or one of its parents, subsidiaries, or affiliates has engaged in the above-referenced activities, a detailed, accurate and precise description of the activities must be provided in part 2 below to the Division of Purchase under penalty of perjury. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.**

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**PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN**

You must provide, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

NAME: \_\_\_\_\_ Relationship to  
Bidder/Offeror \_\_\_\_\_

Description of  
Activities \_\_\_\_\_

Duration of Engagement \_\_\_\_\_ Anticipated Cessation Date:

\_\_\_\_\_

Bidder/Offeror Contact Name \_\_\_\_\_ Contact Phone  
Number \_\_\_\_\_

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Township to notify the Township in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with Township of Middle, New Jersey and that the Township at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print) \_\_\_\_\_ Signature:

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

\_\_\_\_\_

**Township of Middle**  
**ACKNOWLEDGMENT OF RECEIPT OF ADDENDA**

The undersigned Bidder hereby acknowledges receipt of the following Addenda:

<b>ADDENDUM NUMBER</b>	<b>DATE</b>	<b>ACKNOWLEDGE RECEIPT (Initial)</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

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

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

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

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

**FORM NOT REQUIRED IF NO ADDENDA ISSUED**

