

**CITY OF ORANGE
TOWNSHIP REQUEST FOR
BIDS:**

Managed Phone Line Solution

SUBMISSION DEADLINE:

**11:00 a.m.
September 29, 2020**

ADDRESS ALL BIDS TO:

**Christopher M. Hartwyk
Business Administrator
29 North Day Street
Orange, N.J. 07050**

SECTION 1: GENERAL INFORMATION & SUMMARY

1.1 Organization Requesting Proposal

City of Orange Township – Administration
29 North Day Street
Orange, N.J. 07050

1.2 Contact Person

Christopher M. Hartwyk
Administration
29 North Day Street
Orange, N.J. 07050
(973) 266-4000
chartwyk@orangenj.gov

1.3 Procurement Process

The above contract shall be performed in strict accordance with the New Jersey Local Public contract laws documents, including any technical specifications which are on file with the city purchasing agent, (29 North Day Street, Orange, N.J. 07050)

Bids are required to comply with all, but not restricted to the requirements of N.J.S.A. 10:5-31 et. Seq. and N.J.A.C. 17:27, as well as the affirmative action requirements of the City of Orange. Such requirements are included in the bids documents.

The City of Orange reserves the right to reject any or all bids, to waive defects or informalities in Bids, or to accept any bids as it shall deem for the best interest of the City of Orange, New Jersey.

Bids may be held by the City for a period not to exceed sixty (60) calendar days from the date of opening of the bids for the purpose of reviewing the bids and investigating the qualifications of the vendors prior to awarding of the contract.

The City Council will vote to approve a resolution awarding a contract to the Contractor for a sum not to exceed a specified amount and for a term of five (5) years with a termination provision giving the City the option to terminate after 3 years.

1.4 Contract Form

If selected to provide services, it is agreed and understood that the successful Respondent shall be bound by the requirements and terms contained in this Request for Bids with regard to services performed, payments, indemnification, insurance, termination, and applicable licensing provisions.

It is also agreed and understood that the acceptance of the final payment by Contractor shall be considered a release in full of all claims against the City of Orange Township (City) arising out of, or by reason of, the work done and materials furnished under this Contract.

CITY OF ORANGE TOWNSHIP, NJ

REQUEST FOR BIDS

DEPARTMENT: Administration

PURPOSE: Managed Phone Line Solution

DUE DATE: September 29, 2020

1.5 Submission deadline

Closed bids must be mailed to administration to the attention of Christopher M. Hartwyk at 29 North Day Street, Orange, N.J. 07050 by 11:00 a.m. prevailing time on September 29, 2020. Bids will not be accepted by email or facsimile transmission.

1.6 Opening of Bids

Bids shall be opened in public via the GoToMeeting App at 11:00 a.m. prevailing time on September 29, 2020 in the Municipal Council Chamber, located at 29 North Day Street, City of Orange Township, N.J.

1.7 Definitions

The following definitions shall apply to and are used in this Request for Bids: "City" refers to the City of Orange Township.

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

"Consultant" or "Consultants" - refers to the interested persons and/or firm(s) that submit a Proposal.

1.8 Submission address

All Bids should be sent to:

Christopher M. Hartwyk
chartwyk@orangenj.gov
Business Administrator
29 North Day Street
Orange, N.J. 07050

SECTION 2: INTRODUCTION AND GENERAL INFORMATION

2.1 Introduction and Purpose

The City is seeking Bids from qualified Respondents to provide Managed Phone Line Solution services.

2.2 Lowest Responsible and Responsive

It is the intention of the City of Orange Township to award a contract to the lowest responsive and responsible bidder as set forth in N.J.S.A.40A:11-2(27). The awarding of this contract is also subject to N.J.S.A 19:44A-20.5 et seq.

2.3 Evaluation

Bids will be reviewed and evaluated by the City's Administration and Law Department. The Bids will be reviewed to determine if the Respondent has met the professional, administrative, and subject areas described in this Request for Bids.

All communications concerning this Request for Bids or the Bid process shall be directed to the City contact person, in writing, via fax, or via e-mail. Responses to all questions will be forwarded as addenda to all prospective Respondents who have provided contact information. It is the prospective Respondents responsibility to provide accurate contact information.

2.4 Procurement Schedule

The steps involved in the process and the anticipated completion dates are set forth in the Procurement Schedule below. The City reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

<u>Activity</u>	<u>Date</u>
1. Issuance of Request for Bids	September 17, 2020
2. Receipt of Bids	September 29, 2020
3. Completion of evaluation of Bids	September 29, 2020
4. Award of contract	October 6, 2020

2.5 Rights of the City

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

- To conduct investigations of any or all of the Respondents, as the City deems necessary or convenient, to clarify the information provided as part of the Proposal and to request additional information to support the information included in any Proposal.
- To suspend or terminate the procurement process described in this Request for Bids at any time (in its sole discretion.) If terminated, the City may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

2.6 Cost of Proposal Preparation

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

2.7 Proposal evaluation

Bids will be evaluated by the Administration and Law Department based on the specific criteria detailed in Section 6.

2.8 Written Proposal

Prospective Respondents must submit a written proposal in a format specified by the City. The required format is detailed in Section 3.

2.9 Additional requirements

Consultant is required to comply with requirements of P.L. 1975, c. 127, the Law Against Discrimination and with N.J.A.C. 17:27-1.1 et seq., the Affirmative Action Rules.

A party responding to this Request for Bids must indicate what type of business organization it is e.g., corporation, partnership, sole proprietorship, or non-profit organization. If a party is a subsidiary or direct or indirect affiliate of any other organization, it must indicate in its proposal the name of the related organization and the relationship. If a party responding to this Request for Bids is a corporation, it shall list the names of those stockholders holding 10% or more of the outstanding stock.

Section 7 of this document describes general terms and conditions. Section 8 of this document contains required administrative forms which must accompany all Bids. Exclusion of any required form is grounds for rejection of Bids.

2.10 Disposition of Request for Bids

Upon submission of a Proposal in response to this Request for Bids, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Proposal:

- All Bids shall become the property of the City and will not be returned.
- All Bids will become public information at the appropriate time, as determined by the City (in the exercise of its sole discretion) in accordance with law.

SECTION 3: WRITTEN PROPOSAL FORMAT

Bids must address all information requested in this Request for Bids. Bids which in the judgment of the City fail to meet the requirements of the Request for Bids or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

3.1 Mandatory content

Each proposal submitted must contain the following:

- Title Page
- Table of Contents
- Executive Summary
- Firm Background
- Scope of Services
- Timing & Fees
- Business Registration Certificate
- Non-Collusion Affidavit
- Insurance Requirements and Acknowledgment Form

The information requested by the sectional format described above is further defined.

3.2 Title Page

The proposal should include a title page, which identifies the project; the Respondent's firm, name

of the Respondent's primary contact, address, telephone number, fax number and email address.

3.3 Table of Contents

The Respondent's Bid should include a Table of Contents, which lists the titles and page numbers for each major topic and sub-topic contained in the Bid.

3.4 Executive Summary

This section should include a summary of the key points and highlights of the Respondent's response and should discuss the pricing contained in the Bid. Provide information concerning the qualifications, and availability of all persons who will be involved in the responsibilities and specific assignments related to lobbying activities. Include the names and experience of all persons.

3.5 Firm Background

In this section of the Bid, the Respondent should review its understanding of the business drivers behind the City's strategy. This section should state the full name and principal address of your firm(s). Describe your experience and how this relates to Orange's legislative needs

3.6 Scope of Services

In this section of the Bid, the Respondent should state what it believes to be the scope of the intended strategy within the City. If there are any gaps between what the Respondent believes should be the proper scope of the solution given all information known at the time of this Request for Bids, the Respondent should clearly state these gaps in this section and clearly mark these concerns as such.

3.7 Timing and Fees

In this section, please describe the timing and associated fees the Respondent is proposing for the implementation. Respondents should be sure to include all expenses associated with delivery, in addition to professional fees. Respondents should identify hourly participation and hourly fees by specific personnel.

It is important to note that pursuant to N.J.S.A. 40A:5-16, the City is prohibited from paying for goods or services before they have been provided. Therefore, any Bids which specify payment upon contract signing will be deemed unresponsive and rejected.

SECTION 4: SCOPE OF SERVICES

The City of Orange Township is seeking a Bids for a Cloud based VOIP Solution. This migration must be seamless and cause no disruption in the current network services. The Broadband use must be on a single Broadband eliminating all other unnecessary broad bands.

Scope of work must include:

- The VOIP Solution must be complete cloud based with no dependencies on any local servers, PBX or Call Boxes.
- Remove existing and outdated Avaya phones

- Complete and pure VoIP system, no hybrid or analog systems
- Replace all existing analog systems connected to current desk phones throughout City Hall, Police Department and Fire Department
- Solution must have a Cloud based PBX
- Auto Receptionist is required 24/7, including holidays.
- Multi-level IVR
- Dial by name directory
- Visual IVR Reader
- Visual Voicemail
- Voicemail with email notification
- Corporate directory
- Access from mobile apps and desktop computers/apps
- Custom voicemail options
- Call Transfer
- Group Calling
- Conferencing for Multiple numbers and extensions
- Efax capability
- 24/7 customer and technical support
- Call handoff from Wi-Fi to 3G/4G/5G (for app based calls)
- Support for Windows operating systems
- Call analytics reporting

SECTION 5: BID SUBMISSION REQUIREMENTS

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

5.1 Bid media

Closed bids must be mailed to administration to the attention of Christopher M. Hartwyk at 29 North Day Street, Orange, N.J. 07050 by 11:00 a.m. prevailing time on September 29, 2020.

5.2 Bid format

To facilitate a timely and comprehensive evaluation of all submitted Bids, it is essential that all Respondents adhere to the required response format. The City requires a standard format for all Bids submitted to ensure that clear, concise and complete statements are available from each Respondent in response to requirements. The required format is detailed in Section 3.

The City is not under any obligation to search for clarification through additional or unformatted information submitted as a supplement to the formatted response. Where a Bid contains conflicting information, the City at its option may either request clarification or may consider the information unresponsive.

5.3 Bid length

The exact presentation and layout format of Bids is up to the discretion of the Respondent, however a maximum length of 30 pages is strongly suggested.

5.4 Submission deadline

Bids must be received by the City no later than 11:00 a.m. prevailing time on September 29, 2020 and Closed bids must be mailed to administration to the attention of Christopher M. Hartwyk at 29 North Day Street, Orange, N.J. 07050 by 11:00 a.m. prevailing time on September 29, 2020.

SECTION 6: BID EVALUATION

The City's objective in soliciting Bids is to enable it to select a Respondent that will provide high quality and cost effective services to the citizens of Orange Township. The City's Administration and Law Department will consider Bids only from Respondents that, in the City's sole judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the City in the manner described in this Request For Bids.

6.1 Evaluation methodology

Bids will be evaluated by the Administration and Law Department on the basis of which is the most advantageous, and this evaluation will consider the following:

a. Required Format

The extent to which the Bid includes the required sections (Title page, Table of contents, etc.).

b. Appropriateness of proposed methodology

The extent to which the proposed methodology meets the City's goals as described in Sections 4 of this Request For Bids. The degree to which specific activities and milestones are described will also be evaluated.

Respondents should describe their methodology and explain how it will meet the City's needs.

c. Prior experience with similar cities

The City does not wish to overly educate its Consultants as to the workings (both operational and statutory) of municipal government. As a result, Bids should reference of similar type experience.

d. Cost

The winning Bid will not necessarily be that with the lowest cost, but that which provides the greatest value to the City. Bids should provide detailed breakdowns on the cost components. Bids will be evaluated on the detailed breakdown provided and whether pricing is appropriate to the project scope.

6.2 Final evaluation

The City will select the most advantageous Bid Statement based on all of the evaluation factors set forth in this Request For Bid, and make the award in the best interest of the City. Each Bid must satisfy the objectives and requirements detailed in this Request For Bid. The successful Respondent shall be determined by an evaluation of the total content of the Bid Statement submitted. The City shall not be obligated to explain the results of the evaluation process to any Respondent.

6.3 Contract award

A contract will be awarded to the lowest responsive and responsible bidder as set forth in N.J.S.A.40A:11-2(27) and in accordance with New Jersey Pay-to-Play Law N.J.S.A 19:44A-20.5 et seq.

The Municipal Council will vote to accept the Bid of a Respondent within sixty (60) days of the receipt of Bids, except that the Bids of any Respondents who consent thereto, may, at the request of the City, be held for consideration for such longer period as may be agreed.

SECTION 7: GENERAL TERMS AND CONDITIONS

The following are general terms and conditions which may or may not be explained elsewhere in this Request For Bids.

7.1 City's right to reject

The City reserves the right to reject any or all Bids, if necessary, or to waive any informalities in the Bids, and, unless otherwise specified by the Respondent, to accept any item, items or services in the Bid should it be deemed in the best interest of the City.

7.2 Original/Authorized signatures

Each Bid and all required forms must be signed in ink by a person authorized to do so.

7.3 Delivery of Bids

Bids may be mailed consistent with the provisions of the legal notice to Respondents.

7.4 Affirmative Action requirements

Respondents are required to comply with the provisions of N.J.S.A. 10:5-31 and N.J.A.C. 17:27 et seq. No Contractor may be issued a contract unless it complies with these affirmative action provisions. The Mandatory Equal Employment Opportunity/Affirmative Action Language for Goods, Professional Services and General Service Contracts, Exhibit A summarizes the full required regulatory text.

Goods and Services (including professional services) consultants/contractors 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:

- a. A photo copy 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.

CITY OF ORANGE TOWNSHIP, NJ

REQUEST FOR BIDS

DEPARTMENT: Administration

PURPOSE: Managed Phone Line Solution

DUE DATE: September 29, 2020

The Respondents attention is also called to Exhibit A and Exhibit B of this document which contains the required information and forms.

Christopher Hartwyk
Business Administrator
29 North Day Street
Orange, NJ 07050
Tel. (973) 266-4010
E-mail Address: chartwyk@orangenj.gov

7.5 Business Registration Certificate

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:11-1 et seq.).

Consultants are required to comply with the requirements of P.L. 2004, c. 57 (Chapter 57) which include submitting a copy of their Business Registration Certificate (BRC), issued by the NJ Department of the Treasury.

7.6 Indemnification

The Vendor, if awarded the contract, agrees to protect, defend, indemnify and save harmless the City against damage for payment for the use of any patented material, process, article or device that may enter into the manufacture, construction or form a part of the work covered by either order or contract, and further agrees to indemnify and save harmless the City from suits or actions of every nature and description brought against it for, or on account of, any injuries or damages received or sustained by any party or parties by, or from, any of the acts of the contractor, its servants or agents.

7.7 Termination

Should a dispute arise, and if, after a good faith effort at resolution, the dispute is not resolved, either party may terminate the contract by providing 30 days written notice to the other party. Notwithstanding the foregoing, the City reserves the right to cancel the contract at its convenience by providing 30 days written notice to the Consultant.

CITY OF ORANGE TOWNSHIP, NJ
DEPARTMENT: Administration
PURPOSE: Managed Phone Line Solution

REQUEST FOR BIDS
DUE DATE: September 29, 2020

SECTION 8: REQUIRED ADMINISTRATIVE FORMS

Please place the checklist and the required forms which follow at the front of your proposal to facilitate review

CITY OF ORANGE TOWNSHIP

PROJECT: Managed Phone Line Solution

RESPONDENT: _____

RESPONDENTS CHECKLIST

Item	Respondent Initials	Purchasing Review
A. Non-Collusion Affidavit properly notarized		
B. Public Disclosure Statement		
C. Mandatory Affirmative Action Language		
D. Americans with Disabilities Act		
E. Affirmative Action Compliance Notice		
F. Employee Information Report		
G. Business Registration Certificate		
H. Original signature(s) on all required forms.		
I. Certification of Compliance with State Pay-to-Play		

CITY OF ORANGE TOWNSHIP, NJ
DEPARTMENT: Administration
PURPOSE: Managed Phone Line Solution

REQUEST FOR BIDS
DUE DATE: September 29, 2020

NON COLLUSION AFFIDAVIT
STATE OF NEW JERSEY CITY OF
ORANGE TOWNSHIP:

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 City of Orange Township relies upon the truth of the statements contained in said proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by (N.J.S.A. 52: 34-25)

(Signature of respondent) _____

SUBSCRIBED AND SWORN TO
BEFORE ME THIS DAY _____ OF 20_____

(TYPE OR PRINT NAME OF AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF
MY COMMISSION EXPIRES: 20_____.

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

CITY OF ORANGE TOWNSHIP, NJ**REQUEST FOR BIDS****DEPARTMENT:** Administration**PURPOSE:** Managed Phone Line Solution**DUE DATE:** September 29, 2020**PUBLIC DISCLOSURE INFORMATION**

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

STOCKHOLDERS:

Name	Address	% owned

SIGNATURE: _____**TITLE:** _____**SUBSCRIBED AND SWORN TO
BEFORE ME THIS DAY**

_____ OF 20 _____

(TYPE OR PRINT NAME OF AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF**MY COMMISSION EXPIRES:** _____**(NOTE: THIS FORM MUST BE COMPLETED, NOTARIZED AND RETURNED WITH THIS PROPOSAL).**

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)

N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

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

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

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

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

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

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

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression,

disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions. In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

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

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.**

Vendor Signature: _____

Date: _____

Tel No: _____

REQUIRED EVIDENCE
AFFIRMATIVE ACTION REGULATIONS
P.L. 1975, C. 127 (N.J.A.C. 17:27-3.2)

Before being awarded a contract, bidders are required to comply with the requirements of P.L. 1975, C.127, (N.J.A.C. 17:27-3.2). Within seven (7) days after receipt of the notification of intent to award the contract or receipt of the contract, whichever is sooner, the contractor should present one of the following to the Contact Person:

1. A photocopy of a valid letter from the U.S. Department of Labor that the contractor has an existing federally-approved or sanctioned Affirmative Action Plan (good for one year from the date of the letter);

OR

2. A photocopy of approved Certificate of Employee Information Report issued in accordance with N.J.A.C. 17:24-4;

OR

3. An initial Employee Information Report (Form AA302) provided by the Affirmative Action Office and completed by the bidder in accordance with N.J.A.C.17:27-4;

OR

4. All successful construction contractors must submit within three days of the signing of the contract an Initial Project Workforce Report (AA201) for any contract award that meets or exceeds the Public Agency bidding threshold (available upon request) in accordance with N.J.A.C.17:27-7.

NO FIRM MAY BE ISSUED A CONTRACT UNLESS IT COMPLIES WITH THE AFFIRMATIVE ACTION REGULATIONS OF P.L. 1975, C.127.

The following questions must be answered by all bidders:

1. Do you have a federally-approved or sanctioned Affirmative Action Program?

Yes _____ No _____

If yes, please submit a copy of such approval

2. Do you have a Certificate of Employee Information Report Approval?

Yes _____ No _____

If yes, please submit a copy of such certificate

The undersigned contractor certifies that he is aware of the commitment to comply with the requirements of P.L. 1975, C.127 and agrees to furnish the required documentation pursuant to the law.

Company: _____ Signature: _____

Title: _____

AMERICANS WITH DISABILITIES ACT OF 1990

Equal Opportunity for Individuals with Disability

The contractor and the _____ of _____ (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. 5121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made 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 performances shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violates 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 expenses 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 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

Name/Title

Print):

Representative's

Signature: _____

Name of Company:

Telephone

No: _____

EXHIBIT B

BUSINESS REGISTRATION CERTIFICATE (BRC)

CERTIFICATE OF REGISTRATION (P.L. 1999, C.238)

To: PROSPECTIVE BIDDERS

Re: NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

I. Pursuant to P.L. 1999, c.238, et al., specifically, P.L. 2003, c.91, N.J.S.A. 34:11-56.51, all Bidders are required to be registered by the New Jersey Department of Labor at the time bids are received by the Project Owner pursuant to the Public Works Contractor Registration Act. *

II. No bidder shall list a subcontractor in a Bid Proposal for the contract unless the subcontractor is registered pursuant to P.L. 1999, c. 238 at the time of bid is made.

III. No contractor or subcontractor shall engage in the performance of any public work subject to the contract, unless the contractor or subcontractor is registered pursuant to the Act.

IV. Each contractor shall, after the bid is made and prior to the award of the contract, submit to the Project Owner the certificates of registration for the bidder and all subcontractors listed in the Bid Proposal.

*Any bidder who is not registered pursuant to the Act at the time bids are received shall be automatically disqualified and the bid shall be rejected.

RENEWAL PACKAGE
FOR CERTIFICATE OF
EMPLOYEE
INFORMATION REPORT

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 **AND TO SUBMIT THE REQUIRED \$150.00 NON-REFUNDABLE FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE.** IF YOU HAVE A CURRENT CERTIFICATE OF EMPLOYEE INFORMATION REPORT, DO NOT COMPLETE THIS FORM UNLESS YOU ARE RENEWING A CERTIFICATE THAT IS DUE FOR EXPIRATION. 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. This is not applicable if you are renewing a current Certificate.

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 14 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 A COPY FOR THE VENDOR'S OWN FILES. THE VENDOR SHOULD ALSO SUBMIT A COPY TO THE PUBLIC AGENCY AWARDED THE CONTRACT IF THIS IS YOUR FIRST REPORT; AND FORWARD ONE COPY **WITH A CHECK IN THE AMOUNT OF \$150.00 PAYABLE TO THE TREASURER, STATE OF NEW JERSEY (FEE IS NON-REFUNDABLE)** TO:

NJ Department of the Treasury

Division of Purchase & Property Contract Compliance Audit Unit EEO Monitoring Program

P.O. Box 206

Trenton, New Jersey 08625-0206 Telephone No. (609) 292-5473



State of New Jersey

CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE & PROPERTY
CONTRACT COMPLIANCE AUDIT UNIT
EEO MONITORING PROGRAM
P.O. BOX 206
TRENTON, NJ 08620-0206

ANDREW P. SIDAMON-ERISTOFF
State Treasurer

ISSUANCE OF CERTIFICATE OF EMPLOYEE INFORMATION REPORT

Enclosed is your Certificate of Employee Information Report (hereinafter referred to as the "Certificate" and issued based on the Employee Information Report (AA-302) form completed by a representative of your company or firm. Immediately upon receipt, this certificate should be forwarded to the person in your company or firm responsible for ensuring equal employment opportunity and/or overseeing the company or firm's contracts with public agencies. Typically, this person may be your company or firm's Human Resources Manager, Equal Employment Opportunity Officer or Contract Administrator. If you do not know to whom the certificate should be forward, kindly forward it to the head of your company or firm. Copies of the certificate should also be distributed to all facilities of your company or firm who engage in bidding on public contracts in New Jersey and who use the same federal identification number and company name. The certificate should be retained in your records until the date it expires. This is very important since a request for a duplicate/replacement certificate will result in a \$75.00 fee.

On future successful bids on public contracts, your company or firm must present a photocopy of the certificate to the public agency awarding the contract after notification of the award but prior to execution of a goods and services or professional services contract. Failure to present the certificate within the time limits prescribed may result in the awarded contract being rescinded in accordance with N.J.A.C. 17:27-4.3b.

Please be advised that this certificate has been approved only for the time periods stated on the certificate. As early as ninety (90) days prior to its expiration, the Division will forward a renewal notification. Upon the Division's receipt of a properly completed renewal application and \$150.00 application fee, it will issue a renewal certificate. In addition, representatives from the Division may conduct periodic visits and/or request additional information to monitor and evaluate the continued equal employment opportunity compliance of your company or firm. Moreover, the Division may provide your company or firm with technical assistance, as required. Please be sure to notify the Division immediately if your company's federal identification number, name or address changes.

If you have any questions, please call (609) 292-5473 and a representative will be available to assist you.

Enclosure(s) (AA-01 Rev. 11/11)

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
CITY OF ORANGE TOWNSHIP, NEW JERSEY

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act: “business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction; “interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~  
**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

“The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

**BUSINESS ENTITY DISCLOSURE CERTIFICATION**  
**FOR NON-FAIR AND OPEN CONTRACTS**  
Required Pursuant To N.J.S.A. 19:44A-20.8  
**CITY OF ORANGE TOWNSHIP, NEW JERSEY**

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that

**(Contractor)**

has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one-year period preceding the date of reorganization to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the **CITY OF ORANGE TOWNSHIP** as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

|                                |  |
|--------------------------------|--|
| <b>Dwayne D. Warren</b>        |  |
| <b>Kerry J. Coley</b>          |  |
| <b>Tency A. Eason</b>          |  |
| <b>Harold J. Johnson, Jr</b>   |  |
| <b>Weldon M. Montague, III</b> |  |
| <b>Clifford R. Ross</b>        |  |
| <b>Jamie Summers-Johnson</b>   |  |
| <b>Adrienne Wooten</b>         |  |
|                                |  |

**Part II – Ownership Disclosure Certification**

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

**Check the box that represents the type of business entity:**

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

| <b>Name of Stock or Shareholder</b> | <b>Home Address</b> |
|-------------------------------------|---------------------|
|                                     |                     |
|                                     |                     |
|                                     |                     |
|                                     |                     |
|                                     |                     |
|                                     |                     |

**Part 3 – 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: \_\_\_\_\_

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

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

|                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------|
| Subscribed and sworn before me the _____<br>day of _____<br>_____, 20 .<br><div style="text-align: right;">_____<br/>(Affiant)</div> |
|--------------------------------------------------------------------------------------------------------------------------------------|

My Commission expires:

(Print name & title of affiant) (Corporate Seal)