

SALEM COMMUNITY COLLEGE

REQUEST FOR PROPOSALS

FOR

ENGINEERING SERVICES

Dated: October 27, 2014

By: John Recchinti
Purchasing Agent

NOTICE FOR REQUEST FOR PROPOSALS

Notice is hereby given that pursuant to the requirements of N.J.A.C. 6A:23A-5.2 (a)(5), the Salem Community College (hereinafter referred to as the "College") is requesting proposals (RFP) to obtain from interested and qualified firms a proposal to act as the Engineering Firm to provide engineering services as outlined in the RFP. The understanding of the parties with respect to the services to be rendered and the various fee arrangements are required to be set forth in a formal agreement. The College Offices are located at 460 Hollywood Ave, Carneys Point, New Jersey 08069.

A copy of the RFP may be inspected or picked up at the College offices between the hours of 8:00 AM and 4:00 PM, Monday through Friday, except Saturday, Sundays and holidays or through the website at www.salemcc.edu Further information may be obtained by calling Mr. Ray Constantine, at 856-351-2604 or email rconstantine@salemcc.edu

All vendors submitting proposals must use and complete all forms and include all information required in the RFP. An original and two (2) copies of the Proposal must be submitted, in a sealed envelope with "RFP – Engineering Services" marked on the front of the envelope.

Pursuant to P.L. 2004, c.57, all proposals must be accompanied by a New Jersey Business Registration Certificate issued by the New Jersey Department of Treasury, Division of Revenue. All vendors are required to comply with the requirements of P.L. 1975, c. 127, "Law Against Discrimination" and the Affirmative Action statutes and regulations, N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1.1 et seq.

Proposals must be submitted to the Salem Community College no later than Tuesday, November 11, 2014 at 1:00 pm. prevailing time. If sent by mail, it should be clearly marked as "Proposal for Engineering Services." The proposals should be addressed to Ketan Gandhi, Salem Community College, 460 Hollywood Ave, Carneys Point, New Jersey 08069

The College reserves the right to reject any or all proposals and waive any informality in the process if it is in the best interests of the College. No proposal may be deemed accepted until the adoption of a formal resolution by the College.

Background

The Salem Community College is a two year school providing higher educational services to students. The College is comprised of a five building main campus and three satellite buildings all in the County of Salem. Further information may be obtained by visiting the college's website at www.salemcc.edu

Scope of Work

In accordance with N.J.S.A. 19:44A-20.4 et seq., the Salem Community College is requesting proposals from engineer firms in the State of New Jersey that wish to provide general engineering services for the remainder of the 2014-2015 school year and two additional years at the College's option for the 2015-2016 and 2016-2017 school years. Pursuant to Title 18A:64A-25.2 (h) professional services are not required to be bid or advertised and the College is not required to award on the basis of lowest price and will award based on criteria as outlined in this request for proposals. The requests are being made to ensure the College receives the highest quality service at a fair and competitive price.

The Salem Community College is requesting proposals from New Jersey licensed engineers interested in providing Engineering Services as the Engineer of Record for the College. The successful contractor must have a minimum of five (5) years experience in full engineering services for a NJ public school or college, including the programming, design, cost estimating, preparation of construction documents, reproduction costs, bid development, bid evaluation, construction administration, final inspection, and project acceptance for a New Jersey public entity. Proposals are being solicited through a fair and open process. Under Title 18A:64A-25.2 (h) professional services are not required to be bid or advertised and the College is not required to award on the basis of lowest price and will award based on criteria as outlined in this request for proposals. The requests are being made to ensure the College receives the highest quality service at a fair and competitive price.

The Salem Community College shall not be bound to use the appointed Engineer of Record. The college may obtain competitive pricing through either a RFP/RFQ or quotation process from other engineer firms for any projects approved by the College when it is in the best interest of the College.

Qualifications of Respondents

All submissions shall include the following minimum information:

- A. Name of the contractor(s) to be assigned to perform the tasks required
- B. Professional experience and education of the contractor(s) to be assigned including a listing of experience with the Salem Community College and/or experience with other New Jersey Boards of Education or Colleges. The College is requesting a minimum of five (5) years of professional experience with New Jersey Boards of Education or College.
- C. A statement concerning the ability of the firm/individual to perform tasks assigned by the College in a timely fashion.

- D. Professional licenses and certifications held by the individual(s) to be assigned.
- E. A description of the support staff available to the individual(s) to be assigned.

Contract Period:

The initial term of the contract for this proposal shall be through June 30, 2015, with two additional years at the College's option for 2015-2016 and 2016-2017.

Proposal

The Firm shall submit all information required by the Request for Proposals, including the hourly rates for which the Firm agrees to provide services. A set fee will be developed and agreed to by both parties on larger projects.

The Firm must submit an original proposal and two (2) copies that include the following:

- A. Transmittal Letter

A transmittal letter shall be submitted with the RFP that identifies the person submitting the proposal and includes a commitment to provide services required by the Salem Community College.

The letter of transmittal is to be addressed and mailed to:

**Mr. Ketan Gandhi
Salem Community College
460 Hollywood Ave
Carneys Point, New Jersey 08069**

All proposals are due on Tuesday, November 11, 2014 at 1:00pm prevailing time. Submittals received after the date and time specified will be considered. All proposals shall remain firm for a period of sixty (60) days after the date specified for receipt of proposals.

- B. Description of Services

Provide a description of all services to be rendered with a detailed explanation of how the services will be provided. By submitting a proposal, the Firm acknowledges that he/she fully understands the scope of work, activity and service.

- C. Qualifications; Relevant Experience

Evidence and documentation shall be submitted highlighting qualifications and experience that will assist the College in the evaluation and selection process.

- D. Fee Proposal

Provide hourly rate for partner, project manager, project professional, design professional, technician professional and clerical staff.

- E. Miscellaneous Provisions

All Firms are required to provide sufficient information in their proposals for evaluation.

- F. The Firm acknowledges that he/she has read this Request for Proposal has a full understanding and agrees to be bound by the terms and conditions. Proposals must be submitted prior to the time and date specified by mail or hand delivered to the College. **No facsimile or e-mail proposals will be accepted.**
- G. The Salem Community College reserves the right to reject any or all proposals in whole.
- H. The Salem Community College reserves the right to contact references provided with the proposal.
- I. Any departures from this Request for Proposals must be noted. Any conditions or terms must be written and included with the RFP.
- J. Proposed Firms shall be licensed in the State of New Jersey.
- K. Include any additional information which you believe will be useful to the Salem Community College in its selection process.

References

Provide a list of the school districts or colleges for which you have provided services within the last three (3) years. Include the name of the entity, the name and telephone number of a contact person, and the name of the engineer that is assigned to that district or college.

A list of all New Jersey public clients that have terminated services in the past two years.

In addition, provide a list of Municipalities, if any, that you represent in Salem, Gloucester or Cumberland County.

List the caption(s) of any and all actions which have been filed against you, either by way of complaint, cross-claim or counterclaim, in connection with your rendering of engineering services.

Award of Contract

The procedures developed for the award of the contract constitutes a "fair and open" process pursuant to N.J.S.A. 19:44A-20.7. A decision on whether the contract will be awarded and to whom it will be awarded shall be made within sixty (60) days from the date the proposals are opened. The contract, if awarded, shall be awarded to the Firm who submits the most advantageous proposal based on price and the qualifications of the Firm and other factors considered. The evaluation will consider:

- a. Experience and reputation in the field;
- b. Knowledge of the subject matter to be addressed under the contract;
- c. Availability to accommodate any required meetings of the College;
- d. Compensation proposal;
- e. Other factors, if demonstrated, to be in the best interest of the College.

Technical Criteria and Qualifications

The following criteria will be considered by the College in evaluating the proposals submitted in response to this Request for Proposals:

I. Proposed methodology:

1. Does the Firm's proposal demonstrate a clear understanding of the scope of services and related objectives?
2. Is the Firm's proposal complete and responsive to the specific RFP requirements?
3. Has the past performance of the Firm's proposed methodology been documented?
4. Does the Firm's proposal reflect that the Firm is knowledgeable in the areas of engineering?

II. Management criteria:

A. Management:

1. Will the Firm provide all services in a timely fashion to meet the Colleges needs?
2. How is work distributed among the Firm's staff, if there are partners and associates?

B. History and experience in performing the work:

1. Does the Firm document a record of reliability of timely response?
2. Does the Firm demonstrate a track record of reliable and competent service?
3. Does the Firm document relevant experience?
4. Does the Firm have a record of moral integrity?

C. Availability of personnel, facilities, equipment and other resources:

1. To what extent does the Firm rely on in-house resources as opposed to contracted resources?
2. Are the availability of in-house and contract resources documented?

D. Qualification and experience of personnel:

1. Documentation of experience in performing similar work by employees and, when appropriate, sub-consultants.
2. Documentation of oversight and mentoring of newer/inexperienced employees.

III. Cost criteria:

A. Cost of goods to be provided or services to be performed:

1. Relative cost: How does the fee schedule compare to other similarly scored proposals?
2. Full explanation: Are the fees and component charges adequately explained or documented?

B. Firm's financial stability and strength:

1. Does the Firm have sufficient financial resources to meet obligations?

Laws

The Firm shall comply with all applicable laws, statutes, regulations, and ordinances and any order issued by any governmental entity. This contract shall be governed by the laws of the State of New Jersey.

Law Against Discrimination

During performance of this contract, the Professional and his sub-consultants agree to comply with P.L. 1975, c.127, "Law Against Discrimination" in accordance with provisions described in Exhibit "A" attached hereto. The mandatory language of N.J.A.C. 17:27-1.1 et seq. promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time is attached hereto made a part hereof and incorporated herein by reference. The contract with the Professional may be rescinded if the Professional fails to submit proof of compliance with the regulations set forth in N.J.A.C. 17:27. The regulations are available online at http://www.state.nj.us/treasury/contract_compliance/pdf/njac1727ac.pdf or will be provided to you upon request.

Indemnification

The Professional shall indemnify and hold the College harmless for any and all claims, injuries and damages, including the reimbursement of reasonable Firms' fees and cost of litigation that may occur as a result of the provision of engineering services to the College.

Insurance

The Professional agrees to obtain and maintain for the entire term of this Agreement the following insurance coverage:

Workers' Compensation – In compliance with the Workers' Compensation Law of the State of New Jersey.

Professional Liability – claims made basis in the annual aggregate \$2,000,000.00

Errors and Omissions – A minimum limit of liability of \$1,000,000.00 per incident.

Any other insurance as deemed necessary by the College.

Failure by the Professional to supply such shall result in default.

The insurance companies for the above coverage must be licensed by the State of New Jersey and acceptable to the College. The Professional shall not take any action to cancel any of the insurance required under the agreement without the approval of the College. The maintenance of insurance under this section shall not relieve the Professional of any liability greater than the insurance coverage.

All policies must incorporate a provision requiring the giving of notice to the Owner by certified mail, return receipt requested, at least thirty (30) days prior to the cancellation or non-renewal of any insurance policy required herein.

Business Registration Certificate

Pursuant to N.J.S.A. 52:32-44, all proposals must be accompanied by a New Jersey Business Registration Certificate issued by the New Jersey Department of Treasury, Division of Revenue. 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:

- A. No contract with a subcontractor shall be entered into until the subcontractor provides a copy of a valid business registration certificate to the contractor. The contractor shall provide copies of a current Business Registration Certificate for each subcontractor immediately upon entering into each subcontract. The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. The requirement of proof of business registration extends down through all levels (tiers) of the Project. 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;
- B. The contractor shall maintain and submit a current, updated list of subcontractors and their current Business Registration Certificate as a continuing obligation under this contract. Before final payment on the contract is made by the contracting agency, the contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.
- C. For the term of this contract, the contractor and each of its affiliates and each subcontractor and supplier and each of its affiliates as defined in N.J.S.A. 52:32-44(g) (3) 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, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A contractor, subcontractor or supplier that fails to provide a copy of a business registration as required pursuant to N.J.S.A. 52:32-44 et seq., or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency. The contractor shall indemnify and hold harmless the Owner from and against any and all fines, taxes, penalties, interest, claims, losses, costs and expenses of any kind arising out of or resulting from or in connection with the contractor's failure to comply with N.J.S.A. 52:32-44 as amended from time to time.

Annual Political Contributions Disclosure

Pursuant to N.J.S.A. 19:44A-20.27 (P.L. 2005, c.271, s.3), the Firm may be required to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission. It is the Firm's responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

Pursuant to N.J.A.C. 6A:23A-6-3 (a1-4) please note the following:

A. Pursuant to N.J.A.C. 6A:23A-6.3 (a2) Reportable Contributions:

No board of education will vote upon or award any contract in the amount of \$17,500 or greater to any business entity which has made a contribution reportable by the recipient under P.L. 1973, c.83 (codified at N.J.S.A. 19:44A-1 et. seq.) to a member of the board of education during the preceding one year period.

B. Pursuant to N.J.A.C. 6A:23A-6.3 (a2,3) Contributions During Term of Contract:

Contributions reportable by the recipient under P.L. 1973, c.83 (codified at N.J.S.A. 19:44A-1 et. seq.) to any member of the college board from any business entity doing business with the college are prohibited during the term of the contract.

When a business entity referred in 4.1(e) is a natural person, contribution by that person's spouse or child that resides 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.

C. Pursuant to N.J.A.C. 6A:23A-6.3 (a4) Political Contribution Disclosure Form:

All bidders shall submit with their bid package a completed and signed Chapter 271 Political Contribution Disclosure Form. The Chapter 271 form will be reviewed by the district to determine whether the vendor is in compliance with the aforementioned N.J.A.C. 6A:23A-6.3 (a2) Award of Contract.

Termination

Either party may terminate the consultant agreement upon providing thirty (30) days written notice to the other party. Written notice shall be sent certified mail, return receipt requested.

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICES 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 limited to the following: employment, up grading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause;

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

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

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

The contractor or subcontractor agrees to make good faith efforts to afford equal employment opportunities to minority and women workers consistent with:

Good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2 or

Good faith efforts to meet targeted county employment goals determined by the Division pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, 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: www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of 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**.

The failure to submit such appropriate evidence will result in rescission of the contract.

**AFFIRMATIVE ACTION QUESTIONNAIRE AND CERTIFICATION
FOR COMPLIANCE WITH AFFIRMATIVE ACTION REGULATIONS**

1. DO YOU HAVE FEDERAL APPROVAL? Yes ___ No _____
This means a letter from a Federal Agency stating the company name and address as having submitted their Affirmative Action Plan and their plans being approved.
If yes, please submit a Photostat copy.

2. DO YOU HAVE A STATE CERTIFICATE OF EMPLOYEE INFORMATION REPORT APPROVAL? Yes ___ No _____
If yes, please submit a Photostat copy of this certificate.

3. IF YOU DO NOT HAVE EITHER OF THE ABOVE, PLEASE SUBMIT A COPY OF AFFIRMATIVE ACTION EMPLOYEE INFORMATION REPORT (AA302). This form can be electronically provided by the Division and distributed to the public agency through the Division's website: www.state.nj.us/treasury/contract_compliance I certify that our Company has never before applied for a Certificate of Employee Information Report in accordance with the rules promulgated by the State Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and I agree to submit immediately a copy of the Employee Information Report (AA-302) to the Division of Public Contracts Equal Employment Opportunity Compliance, Department of Treasury, P.O. Box 209, Trenton, NJ 08625.

_____ being duly sworn, according to law, deposes and says that he is a duly authorized representative of the Contractor, _____. I hereby certify that I am aware of the equal employment opportunity and affirmative action in public contracting requirements set forth in N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq. and that the Contractor is in compliance with the requirements therein. I hereby agree that the Contractor shall make good faith efforts to provide equal employment opportunity for minorities and women. I am aware that the failure to make good faith efforts to provide equal employment opportunity for minorities and women may result in fines/penalties, suspension/debarment, a determination to lower the firm's aggregate rating or such other action as provided by law. I certify that the above information is correct to the best of my knowledge.

SIGNATURE_____

NAME_____

DATE_____

TITLE_____

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

Use reverse side for additional stockholders/partners.

The absence of any names and addresses on the foregoing list signifies that there are no individual stockholders or partners who own 10% or more interest in the bidding corporation or partnership.

Name of Firm

By:

Name

Official Title

Sworn before me this _____
day of _____, 20__.

Notary Public of _____
My Commission expires __/__/__.

AFFIDAVIT OF NONCOLLUSION

STATE OF _____)

ss:

COUNTY OF _____)

I, _____, residing in the _____ of _____ in the County of _____ and State of _____, of full age, being duly sworn according to law on my oath depose and say:

I am _____ of the firm of _____, the firm responding to the request for proposals. I executed the response to request for proposals with full authority to do so. The firm has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive contracting in connection with the above named request for proposals. All statements contained in the response to request for proposals and in this affidavit are true and correct, and made with the full knowledge that the _____ will rely upon the truth of the statements contained in the response to request for proposals and in this affidavit in awarding the contract.

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.

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public of _____
My Commission expires ___/___/20____.

**CONTACT INFORMATION
PUBLIC SCHOOL / COLLEGE CLIENT LIST**

1. School: _____
Grade Organization _____
Contact Name and Title: _____
Telephone Number: _____

2. School: _____
Grade Organization _____
Contact Name and Title: _____
Telephone Number: _____

3. School: _____
Grade Organization _____
Contact Name and Title: _____
Telephone Number: _____

4. School: _____
Grade Organization _____
Contact Name and Title: _____
Telephone Number: _____

5. School: _____
Grade Organization _____
Contact Name and Title: _____
Telephone Number: _____

**SALEM COMMUNITY COLLEGE
REQUEST FOR PROPOSAL**

ENGINEER SERVICES

FEE STRUCTURE

Please provide the hourly rate for professional services:

Other (specify): _____

Please provide the hourly rate for support services:

Name of Firm: _____

Authorized Representative: _____

Print Name

Signature

Date: _____

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Public Agency Instructions

This page provides guidance to public agencies entering into contracts with business entities that are required to file Political Contribution Disclosure forms with the agency. **It is not intended to be provided to contractors.** What follows are instructions on the use of form local units can provide to contractors that are required to disclose political contributions pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005, c. 271, s.2). Additional information on the process is available in Local Finance Notice 2006-1 (www.nj.gov/dca/lgs/lfns/lfmenu.shtml).

1. The disclosure is required for all contracts in excess of \$17,500 that are **not awarded** pursuant to a “fair and open” process (N.J.S.A. 19:44A-20.7).
2. Due to the potential length of some contractor submissions, the public agency should consider allowing data to be submitted in electronic form (i.e., spreadsheet, pdf file, etc.). Submissions must be kept with the contract documents or in an appropriate computer file and be available for public access. **The form is worded to accept this alternate submission.** The text should be amended if electronic submission will not be allowed.
3. The submission must be **received from the contractor and** on file at least 10 days prior to award of the contract. Resolutions of award should reflect that the disclosure has been received and is on file.
4. The contractor must disclose contributions made to candidate and party committees covering a wide range of public agencies, including all public agencies that have elected officials in the county of the public agency, state legislative positions, and various state entities. The Division of Local Government Services recommends that contractors be provided a list of the affected agencies. This will assist contractors in determining the campaign and political committees of the officials and candidates affected by the disclosure.
 - a. The Division has prepared model disclosure forms for each county. They can be downloaded from the “County PCD Forms” link on the Pay-to-Play web site at www.nj.gov/dca/lgs/p2p. They will be updated from time-to-time as necessary.
 - b. A public agency using these forms **should edit them to properly reflect the correct legislative district(s)**. As the forms are county-based, **they list all legislative districts** in each county. **Districts that do not represent the public agency should be removed from the lists.**
 - c. Some contractors may find it easier to provide a single list that covers all contributions, regardless of the county. These submissions are appropriate and should be accepted.
 - d. The form may be used “as-is”, subject to edits as described herein.
 - e. The “Contractor Instructions” sheet is intended to be provided with the form. It is recommended that the Instructions and the form be printed on the same piece of paper. The form notes that the Instructions are printed on the back of the form; where that is not the case, the text should be edited accordingly.
 - f. The form is a Word document and can be edited to meet local needs, and posted for download on web sites, used as an e-mail attachment, or provided as a printed document.
5. It is recommended that the contractor also complete a “Stockholder Disclosure Certification.” This will assist the local unit in its obligation to ensure that contractor did not make any prohibited contributions to the committees listed on the Business Entity Disclosure Certification in the 12 months prior to the contract. (See Local Finance Notice 2006-7 for additional information on this obligation) A sample Certification form is part of this package and the instruction to complete it is included in the Contractor Instructions. **NOTE: This section is not applicable to Boards of Education.**

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - of the public entity awarding the contract
 - of that county in which that public entity is located
 - of another public entity within that county
 - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest” 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
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the 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.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor’s submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of**

Education contracts.

* N.J.S.A. 19:44A-3(s): "The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures."

List of Agencies with Elected Officials Required for Political Contribution Disclosure
N.J.S.A. 19:44A-20.26

County Name:

State: Governor, and Legislative Leadership Committees

Legislative District #s:

State Senator and two members of the General Assembly per district.

County:

Freeholders

{County Executive}

County Clerk

Surrogate

Sheriff

Municipalities (Mayor and members of governing body, regardless of title):

**USERS SHOULD CREATE THEIR OWN FORM, OR DOWNLOAD
FROM WWW.NJ.GOV/DCA/LGS/P2P A COUNTY-BASED,
CUSTOMIZABLE FORM.**

STOCKHOLDER DISCLOSURE CERTIFICATION

Name of Business:

- 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.
- OR**
- I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

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

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:
Subscribed and sworn before me this ____ day of _____, 20 __.	_____ (Affiant)
(Notary Public)	_____ (Print name & title of affiant)
My Commission expires:	_____ (Corporate Seal)