

**BOROUGH OF SEA BRIGHT
REQUEST FOR PROPOSALS & QUALIFICATIONS
2017 MUNICIPAL PROFESSIONAL SERVICE
UNDER THE FAIR AND OPEN PROCESS**

NOTICE IS HEREBY GIVEN that, in accordance with NJSA 19:44-20.5 et seq. through a competitive, fair and open process the Borough of Sea Bright is requesting sealed proposals and qualifications for the following Professional Services for the calendar year 2017, in the following areas:

1. Borough Attorney/Counsel
2. Bond Attorney/Counsel
3. Labor Attorney/Counsel
4. Special/Conflicts Counsel for Conflict Issues
5. Tax Appeal Attorney
6. Borough Prosecutor
7. Borough Prosecutor (Alternate)
8. Borough Public Defender
9. Borough Auditor
10. Borough Engineer/Planner
11. Consultant Borough Engineer (s)
12. Planning Board Attorney/Counsel (Appointed by Planning Board)
13. Planning Board Engineer/Planner (Appointed by Planning Board)
14. Borough Architect
15. Borough Architect - Review of Plans and Municipal Projects on a as needed basis

Proposal Documents may be obtained via the municipal website (www.seabrightnj.org) or contacting Borough Hall at 732-842-0099 ext. 19 or emailing cmitchell@seabrightnj.org.

All Proposers must comply with Borough of Sea Bright General Code Chapter 11, Public Contracting Regulations, a copy of which shall be provided in the qualification packet.

Respondents are required to comply with the requirements of NJSA 10:5-31 et seq. and NJAC 17:27 et seq. PL 2004, C.1 Successful contractors will also be required to comply with all terms imposed by NJ Election Law NJSA 19:44A-20.27 subject to campaign funding limits and with the Borough of Sea Bright "Pay to Play" Ordinance #16-2004.

Proposals and Qualifications must be submitted in sealed envelopes containing **one (1) Original, (1) copy and one (1) digital copy** to Chris Pfeiffer, Borough Clerk, 1167 Ocean Avenue, Sea Bright, NJ 07760, no later than 12 Noon on **Tuesday, November 22, 2016.**

Said Letters and Proposals will be evaluated by the Mayor and Borough Council in conjunction with the respective Boards/Committees having jurisdiction on the basis of that which is most advantageous to the Borough, taking into consideration the following factors:

- Qualifications, experience and reputation in the field by the firm and its personnel
- Knowledge of the subject matter
- Availability to attend all required meetings or court proceedings (if applicable)
- Availability of personnel, facilities, equipment and other resources to provide such service
- Any other factors demonstrated to be in the best interests of the Borough of Sea Bright.

BOROUGH OF SEA BRIGHT
SOLICITATION OF PROFESSIONAL SERVICE CONTRACTS
UNDER THE FAIR AND OPEN PROCESS
STANDARD SUBMISSION RULES AND INSTRUCTIONS

1. The Borough of Sea Bright is soliciting proposals for the provision of professional services to the Borough for the one year contract (January 1, 2017 through December 31, 2017). Proposals will be accepted for the specific professional services set forth in the Public Notice, a copy of which is attached hereto.
2. The applicant understands and agrees that its proposal is submitted on the basis of the requirements by the Borough. The applicant accepts the obligation to become familiar with these requirements.
3. Applicants are expected to examine the requirements with care. Ambiguities, errors or omissions noted by applicants should be promptly reported in writing to the Borough Administrator. In the event the applicant fails to notify the Borough of such ambiguities, errors or omissions, the applicant shall be bound by its proposal.
4. No oral interpretation of the meaning of the specifications will be made to any applicant. Every request for an interpretation shall be in writing, addressed to the Administrator. In order to be given consideration, written requests for interpretation must be received at least five (5) days prior to the date fixed for receipt of the proposals. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the specifications and will be distributed to all prospected applicants in accordance with NJSA 40A: 11-23. All addenda so issued shall become part of the contract documents and shall be acknowledged by the applicant in the proposal. The Borough's interpretations or corrections thereof shall be final.
5. All proposals shall be addressed to Chris Pfeiffer, Borough Clerk at the Borough of Sea Bright, 1167 Ocean Ave, Sea Bright, New Jersey 07760 and shall be received no later than TUESDAY, NOVEMBER 22, 2016 at 12noon. One original and one digital copy of the proposal shall be submitted. If applying for more than one category, please provide an original and one digital copy for EACH category.
6. The proposal shall be submitted in a sealed envelope bearing the name and address of the applicant written on the face of the envelope and clearly marked with the contract title for which you are applying.
7. It is the applicant's responsibility to see that proposals are presented to the Borough on the hour and at the place designated. Proposals may be hand delivered or mailed; however, the Borough disclaims any responsibility for proposals forwarded by regular or overnight mail. If the proposal is sent by overnight mail, the designation in paragraph 6 above must also appear on the outside of the delivery company envelope. **PROPOSALS RECEIVED AFTER THE DESIGNATED TIME AND DATE WILL BE RETURNED UNOPENED.**

8. All Proposals shall include, at a minimum, the name, address and all contact information of the person or firm making the proposal; a statement of qualifications, including all applicable professional licenses held; a statement of experience in rendering such professional services to public entities; references; and a proposal for compensation or a schedule of fees to be charged for such professional services.
9. All proposals will be evaluated by the Mayor and the Borough Council of the Borough of Sea Bright, with the exception of proposals rendered to the Sea Bright Planning Board. Pursuant to the Municipal Land Use Law, such proposals will be forwarded to those bodies for evaluation and determination.
10. Proposals will be evaluated by the Mayor, Council and Administration of the Borough of Sea Bright on the basis of the proposals deemed to be most advantageous, price and other factors considered. The evaluation may consider:
 - a. Experience and reputation in the field of professional service;
 - b. Knowledge and experience with the Borough of Sea Bright's form of government which is "weak mayor-strong council form" – Borough form of Government (NJSA 40A:60-1 et seq.);
 - c. Knowledge of the Borough of Sea Bright and the subject matter to be addressed under the contract;
 - d. Availability to accommodate any required meetings;
 - e. Ability of the firm to perform the services on a timely basis, including staffing and familiarity with the subject matter;
 - f. Compensation proposal;
 - g. References;
 - h. Other factors, if determined to be in the best interest of the Borough of Sea Bright and its agencies.
11. Any applicant successfully awarded a contract must agree to indemnify and hold the Borough harmless from any liability to subcontractors and suppliers concerning payment for work performed or goods supplied and must also add the Borough of Sea Bright as a named insured to any applicable insurance policies.
12. The successful respondent will be notified of the award of contract upon favorable decision by the governing body.

**PROFESSIONAL SERVICES
GENERAL DESCRIPTION**

The following are brief descriptions of some of the requirements necessary and may include other functions as may be directed by the Borough of Sea Bright and their respective departments:

Municipal Attorney/ Legal Counsel

Applicants should demonstrate knowledge of general New Jersey municipal law under titles 40 and 40A. Any experience or knowledge of matters directly affecting the Borough of Sea Bright should be addressed.

- To serve in an advisory capacity to the Borough Council and render legal consultation and advice on matters submitted for review, study, recommendation or comment.
- To provide professional legal services in connection with any matters relating to the New Jersey Municipal Land Use Law, Local Redevelopment and Housing Law, COAH regulations, and related planning statutes and documents, and be available to prepare and review documents and offer testimony relating to court actions that the Council may be involved in.
- To attend Council meetings, and upon the Council's directive, other meetings and informal meetings and/or discussions to review and discuss matters before the Borough Council.
- Must have sufficient support staff available to provide all legal services required by the Borough with respect to legal issues including, tracking, researching, fully litigating appeals, preparing any settlement documents and related resolutions and fully coordinating and communicating the status of these activities to the appropriate Borough personnel.
- Must be licensed to practice law in the State of New Jersey for a period of not less than five (5) years preceding the proposed appointment; and eligible to appear before all state and federal courts in New Jersey, as well as New Jersey administrative agencies and the Office of Administrative Law.

Multi-discipline law firm with experience in municipal law, municipal litigation, tort claim laws, affordable housing, New Jersey employment and personnel issues, public contracting and excellent knowledge of Titles 40 and 40A of the Revised Statutes. The applicant should also be highly knowledgeable and experienced with acquisition of real estate (open space), COAH programs, regional contribution agreements, selling of real estate and/or property, Joint Insurance Funds, preparing Employment Practices Liability policies, Election law, NJ employment and personnel law, Municipal Land Use Law, bankruptcy law, tax appeals, municipal utilities law, NJDEP legislation and regulations, environmental and tidelands law, redevelopment issues, Fair Housing Act, eminent domain, OPRA, OPMA, Pay to Play laws and Government Ethics law.

Municipal Auditors

Multi-disciplined firm experienced in municipal audit procedures including the preparation of the annual audit and annual financial statement of the Borough, bond law, appearing before the Local Finance Board, arbitrage, municipal budgeting and purchasing. The minimum threshold criteria that will be utilized for the evaluation for the responses shall be as follows:

- the applicant must meet and possess all certifications necessary to be proactive as a Municipal Auditor in the State of New Jersey
- Applicant shall have ten (10) years experience as a Municipal Auditor for municipalities in the State of New Jersey with similarly sized budgets
- Provide evidence of professional liability insurance
- Experience in providing advice and recommendations in the review of capital projects request and timing and issuing of debt instruments by public bodies
- Experience in the budgeting process and preparation of audits and annual financial statements for public entities
- Knowledge of the Borough and its operations
- The applicant must demonstrate a high degree of knowledge of 1) the finance and operations of local government in New Jersey, 2) Department of Community Affairs' Local Finance Bulletins and the plethora of rules and regulations for Municipal Finance Administration, 3) New Jersey State Finance statutes including but not limited to:

- NJSA 40A:11 Local Public Contracts Law
- NJSA 40A:4 Local Budget Law
- NJSA 40A:2 Local Bond Law
- NJSA 40A:9-22.1 Government Ethics Law

All other financial matters pertaining to Boroughs, including budgets, assessments, monitoring reports, investments, audit controls, year-end accounting, Annual Financial Statements, budget preparation, annual audit, Supplemental Debt Statements, etc. and a high degree of knowledge and familiarity with municipal trust funds, developer escrow accounts, utility budgets and dedications by rider. The applicant must also meet all certifications necessary to practice in the State of New Jersey.

Municipal Prosecutor

The Borough requires legal service for the position of prosecutor of the Borough of Sea Bright/Oceanport Municipal Court. The minimum threshold criteria that will be utilized for the evaluation of the responses shall be as follows:

- Licensed to practice law in the State of New Jersey
- Evidence of professional liability insurance
- Experience as a municipal prosecutor for a municipality
- Knowledge of the Borough Municipal Court and its operations

Borough Engineer / Planner

The Borough Engineer shall be an individual or firm that is a licensed professional engineer in the State of New Jersey. The Borough Engineer is required to attend meetings of the Borough Council. The Borough Engineer is expected to handle engineering issues regarding the construction and/or maintenance of public property, infrastructure and roadways, and to review and/or report on development or other applications, as required, pursuant to the Borough Code or as required by law.

The Planner shall be licensed by the NJ Board of Professional Planners and AICP. The Planner will review development applications and make recommendations in connection thereof as requested by the Planning Board. They will attend meetings of the Borough Council as requested.

Labor Counsel

The Borough's general Labor Counsel may be an individually licensed attorney or law firm that is responsible for individual labor and employment matters, such as, employee claims against the Borough, defense of employees and/or officers of the Borough in labor-related matters, disciplinary proceedings against employees, and PERC and other employee or labor-related administrative proceedings, including assisting in the negotiation, ratification, enforcement and/or deference of collective bargaining agreements.

Bond Counsel

The Borough's Bond Counsel may be an individually licensed attorney or law firm with a significant background in local public finance that handles all matters in connection with public financing and indebtedness, including but not limited to the authorization, issuance, sale and delivery of Bonds and/or Bond anticipation notes for the Borough, including the preparation of any bond ordinances, the preparation of resolutions authorizing financing, the preparation and review of the notice of sale and the bond or bond anticipation notes, the assistance in the preparation and review of the Official Statement, the preparation of all closing documents necessary for the issuance of bonds or bond anticipation notes, attendance at the closing of the bonds or bond anticipation notes, preparation and providing final approving opinions for bond or bond anticipation note issuances.

Public Defender

The Borough requests legal services for the position of Public Defender of the Borough of Sea Bright/Oceanport Municipal Court. The minimum threshold criteria that will be utilized for the evaluation of the responses shall be as follows:

- Applicants should demonstrate knowledge and experience with respect to all aspects of Municipal Court proceedings in order to represent indigent defendants in proceedings over Borough of Sea Bright Municipal Court jurisdiction.

- The representation of any defendant charged with an offense in Municipal Court who is indigent as determined by the judge
- To handle all phases of the assigned defense, including discovery pre-trial and post-trial motions and proceedings; such other duties as imposed by statute, rule regulation, ordinance, the rules of professional conduct, court orders or directives and the like.

Special/Conflicts Counsel for Conflict Issues

The Borough's Special/Conflicts Counsel for Conflict Issues may be an individually licensed attorney or law firm that handles special legal matters as directed by the Borough Administrator, litigation, administrative proceedings, land use and real estate transactions, compliance and due diligence and provides counseling on non-routine and reoccurring legal matters that may require more extensive legal research and analysis for the Borough department heads.

Planning Board Counsel (appointed by Planning Board)

The Planning Board Counsel shall be a licensed attorney or law firm that will provide legal services to the Planning Board for the Borough of Sea Bright as required under the Municipal Land Use Law and the Land Use Ordinances of the Borough of Sea Bright.

Planning Board Engineer/Planner (appointed by Planning Board)

The Planning Board Engineer shall be a licensed professional engineer who will provide professional engineering services to the Planning Board for the Borough of Sea Bright as required under the Municipal Land Use Law and Land Use Ordinances of the Borough, including conducting reviews and providing reports on all development and site plan applications as requested by the Planning Board.

The Planner shall be licensed by the NJ Board of Professional Planners and AICP. The Planner will review development applications and make recommendations in connection thereof as requested by the Planning Board. They will attend meetings of the Planning Board as requested. They will prepare land development reports as may be requested by the Planning Board and may testify as a professional planning expert on behalf of the Borough in litigated matters as required.

STATUTORY AND OTHER REQUIREMENTS

A. Mandatory Affirmative Action Certification

No firm may be issued a contract unless it complies with the affirmative action regulations of N.J.S.A. 10:5-32 et seq. (Pl. 1975, c.127).

1. Procurement, Professional and Service Contracts and all successful vendors must submit within seven days after the receipt of the notice of intent to award the contract or the receipt of the contract, one of the following;
 - a. A photocopy of a valid letter for an approved Federal Affirmative Action Plan (good for one year from the date of letter), or
 - b. A photocopy of an approved Certificate of Employee Information Report, or
 - c. If the vendor has none of the above, the public agency is required to provide the vendor with an initial Affirmative Action Employee Information Report (AA-302).

B. Stockholder Disclosure

Chapter 33 of the Public Laws of 1977 provides that no corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any materials or supplies, unless, prior to the receipt of the proposal or accompanying the proposal of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten percent or more of its stock or any class, or all individual partners in the partnership who own a ten percent or greater interest therein. Form of Statement is enclosed and shall be completed and returned with proposals.

C. Non-Collision Affidavit

The Non-Collusion Affidavit, which is enclosed with this RFP, shall be properly executed and submitted with the proposal.

D. New Jersey Business Registration Requirements Non-Construction Contracts

NJSA 52:32-44 requires that each vendor submit proof of business registration with the RFP package. Proof of registration shall be a copy of the Business Registration Certificate (BRC). A BRC is obtained from the New Jersey Division of Revenue on-line at www.nj.gov/njbgs or by phone at 609-292-1730.

E. Pay-To-Play Disclosure Certification and Form

Successful contractors must also be required to comply with all terms imposed by NJ Election Laws NJSA 19:44A-20.37 subject to campaign funding limits and with the Borough of Sea Bright "Pay to Play" Ordinance #16-2004.

The Borough reserves the right to reject any or all proposals if the evidence submitted by, or investigation of such respondent fails to satisfy that such respondent is properly qualified to

carry out the obligation of the RFP and to complete the work contemplated therein.
The owner reserves the right to waive any minor informality in the RFP.

Notice of Award

The successful respondent will be notified of the award of contract upon a favorable decision by the Borough Council.

CHECKLIST

The following items, as indicated below, shall be provided with the receipt of sealed submissions:

1. _____ Professional Service Proposal, Qualifications and Costs Submission Form
2. _____ Two copies of proposed CONTRACT
3. _____ Non-Collusion Affidavit
(signed and notarized)
4. _____ Disclosure of Ownership Form
(Signed)
5. _____ Professional Service Entity Information Form
6. _____ Business Registration Certificate
(copy, issued by the State of NJ Department of Treasury, Division of Revenue)
7. _____ Affirmative Action "For Goods and Professional Services"
8. _____ Pay-to-Play Statement
9. _____ Valid Certificate of Employee Information Report

I certify that I am an authorized representative of the firm or business named below and offer on behalf of the firm to provide the professional services set forth herein in accordance with this submission form and the terms of the solicitation and submission materials noted above. I further certify that the information contained in and attached to this submission is true to the best of my knowledge and belief, with the understanding that it will be relied upon as such by the public entity to which it is being submitted.

Firm: _____ Date: _____
Firm Name (Print or Type)

BY:

Signature/ Authorized Representative

Print Name and Title

Telephone # _____ Fax # _____

E-Mail _____

**BOROUGH OF SEA BRIGHT, NEW JERSEY
PROFESSIONAL SERVICE CONTRACT
PROPOSAL / QUALIFICATION AND COSTS SUBMISSION FORM**

Please provide the name and address of Submitting Firm, Individual or Entity:

Please indicate the Professional Service/ Title for which you are Submitting:

Note: In responding to these questions you may attach additional sheets as necessary. Please be sure to CLEARLY reference all additional sheets or relevant attachments under the appropriate question or area. Material not clearly referenced will not be considered.

1. Is your firm willing and able to perform the scope of services set forth in the Notice of Solicitation for Professional Services and the Solicitation Package for the above Professional Service / Title?

2. If the answer to question 1 is “No,” then please explain any exceptions, clarifications or limitations to the scope of services that your firm is willing and able to provide?

8. Please disclose any conflicts of interest you have or reasonably anticipate having with respect to your firm’s past, current or pending representation of clients or entities who are engaged in litigation or disputes with the Borough of Sea Bright or its associated entities or who are appearing before or making application to its Boards or Agencies. If none, state “none.”

9. Please provide a breakdown of costs for service (cost details), including the hourly rates of each of the individuals who will be performing services and a schedule of costs for reimbursable expenses and/or a budgeted amount for reimbursable expenses. If all or any part of the work proposed is to be performed on a lump sum or flat fee (as opposed to an hourly or reimbursable basis) please provide the amount of that lump sum or flat fee as well as specifically detailing the full scope of work to be included under the proposed lump sum or flat fee. It is also permissible to provide alternative fee proposals (lump sum or hourly) for the same scope of work, but again, it is very important to clearly delineate what is included.

NON-COLLUSION AFIDAVIT

STATE OF NEW JERSEY)

COUNTY OF _____)

I, _____ of the Municipality of _____
(Print Name) (Print)

In the County of _____ and the State of _____

of full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____
Print Title Print Name of Firm

the bidder making this Proposal enclosed and that I executed the said proposal with full authority to do so that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the Borough of Sea Bright relies upon the truth of the statements contained in said Proposals 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 Firm NJSA 52:34-15

Print Address

Witness

Authorized Signature

Subscribed and sworn to before me
This ____ day of _____, 20____
State of _____
County of _____

Signature of Notary Public
My commission expires on _____

(SEAL)

**BOROUGH OF SEA BRIGHT
STOCKHOLDER DISCLOSURE CERTIFICATION
This Statement shall be Included with Bid Submission**

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

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

STOCKHOLDERS:

Name: _____ Name: _____

Home Address: _____ Home Address: _____

Name: _____ Name: _____

Home Address: _____ Home Address: _____

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

(Name of Business)

Notary Public

My commission expires on: _____

PROFESSIONAL SERVICE ENTITY INFORMATION FORM

If the Professional Service Entity is an **INDIVIDUAL**, sign name and give the following information:

Name: _____

Address: _____

Telephone No.: _____ Social Security No.: _____

Fax No.: _____ E-Mail: _____

If Individual has a TRADE NAME, give such trade name:

Trading As: _____ Telephone No.: _____

.....
If the Professional Service Entity is a **PARTNERSHIP**, give the following information:

Name of Partners: _____

Firm Name: _____

Address: _____

Telephone No.: _____ Federal I.D. No.: _____

Fax No.: _____ E-Mail: _____

Social Security No.: _____

Signature of authorized agent: _____

.....
If the Professional Service Entity is **INCORPORATED**, give the following information:

State under whose laws incorporated: _____

Location of principal office: _____

Telephone No.: _____ Federal I.D. No.: _____

Fax No.: _____ E-Mail: _____

Signature: By: _____ Title: _____

Address: _____

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 take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post 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 employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, 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 applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, 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

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO 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 Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27. 15**

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

The contractor and the Borough of Sea Bright, (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 a part of this contract. In providing any aid, benefit, or services 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 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 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 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 cause 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 provisions of the Agreement or otherwise at law.

DISCLOSURE OF CONTRIBUTIONS TO NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION (ELEC)

N.J.S.A. 19:44A-20.27 establishes a new disclosure requirement for business entities. It requires that, when a business entity has received in any calendar year \$50,000 or more in public contracts with public entities, it must file an annual report with the Election Law Enforcement Commission (ELEC). The report shall disclose any contribution of money or any other thing of value, including an in-kind contribution, or pledge to make a contribution of any kind:

- To a candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, or,
- To a political party committee, legislative leadership committee, political committee or continuing political committee.

The report will include all reportable contributions made by the business entity during the 12 months prior to the reporting deadline. ELEC will be promulgating a form and procedures for filing commencing in January 2007. ELEC can also impose fines for failure to comply with this requirement.

While the local unit has no role in this process, it is recommended that all bid or proposal specifications and contracts should include language notifying business entities of their potential obligation under the law. Such language could read as follows:

Starting in January 2007, all business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of \$50,000 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

ORDINANCE NO. 16-2004
AN ORDINANCE AMENDING THE CODE OF
SEA BRIGHT TO INCLUDE DISCLOSURE OF POLITICAL
CONTRIBUTIONS BY PROFESSIONAL SERVICES CONTRACT RECIPIENTS

WHEREAS, professional services contracts are exempt from public bidding requirements; and

WHEREAS, recipients of professional service contracts can lawfully make political contributions to the election campaigns of the local government officers who when elected, are responsible for awarding professional service contracts; and

WHEREAS, substantial local political contributions from professionals receiving discretionary contracts from the elected officials who receive such contributions may raise concerns about the process of local government awarding professional services contracts and the quality and cost of services received; and

WHEREAS, N.J.S.A 40: 11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional entities:

NOW, THEREFORE, BE IT ORDAINED that the Borough of Sea Bright hereby requires the recipients of professional services contracts to disclose contributions in excess of \$200.00 to candidates for, or holders of, public office within the Borough.

SECTION I
Disclosure Requirement

- a. Any provision of law to the contrary notwithstanding, the municipality or any of its purchasing agents or agencies or of those of its independent authorities shall not enter into an agreement or otherwise contract to procure services for professional services as defined by statute, from any professional that has not filed the disclosure form with the Municipal Clerk. The disclosure form shall set forth contributions in excess of \$200.00 to a campaign committee or candidate for office within the municipality or to any municipal party committee within one calendar year immediately preceding the date of the contract or agreement.
- b. For purposes of this ordinance, a "professional business entity" seeking a public contract means a person, firm, corporation, professional corporation, partnership, organization or association authorized by law to practice a law recognized profession, whose practice is regulated by law, and the performance of which service required knowledge of an advanced type in a particular field. The definition shall include all principals who own 10% or more equity in the corporation or business trust, partners and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity. The definition shall also include any spouse or child living at home, of a principal.

SECTION II
Contributions Made Prior to the Effective Date.

- a. Prior to awarding any contract or agreement to procure professional services in excess of \$5,000.00 with any professional business entity, the Borough or any of its purchasing agencies shall require a signed disclosure form from the professional made under penalty of perjury , that the professional has disclosure contributions consistent with this Ordinance.

- b. The certification required under this section shall be made prior to the entry into the contract agreement with the Borough and shall be in addition to any other certifications that may be required by any other provision of law. The professional business entity shall have a continuing duty to report contributions under this Ordinance that may occur subsequent to the execution of the disclosure form.

SECTION III
Penalty

- a. All Borough of Sea Bright professional service agreements shall provide that it shall be a breach of the terms of the government contract for the professional to violate this Ordinance.

SECTION IV
Severability

If any provision of this law, or the application of this law towards any such professional or person under any circumstances shall be held invalid, the remainder of this law, to the extent it can be given effect, shall not be affected thereby and to this extent the provisions of this law are severable.

SECTION V
Effective Date

This Ordinance shall become effective after final adoption and publication thereof according to law and shall take effect immediately upon its enactment.

INTRODUCED : August 3, 2004
PASSED : August 17, 2004
ADOPTED : August 17, 2004

CERTIFICATION OF COMPLIANCE

I, _____ from the firm of _____
on this date of _____ do hereby confirm and attest that I have read and understand
the Borough of Sea Bright's Ordinance 16-2004 contained herein and shall comply herewith.

BUSINESS ENTITY DISCLOSURE CERTIFICATION

BOROUGH OF SEA BRIGHT, MONMOUTH COUNTY, NEW JERSEY

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that _____ *<name of business entity>* has not made, in the one year period preceding **January 1, 2017**, and will not make any contributions in violation of Chapter 11

of the Sea Bright General Revised Code 1998 that would bar the award of this contract to any of the following named candidate committees; joint candidates committees; or political party committees representing the elected officials of the Borough of Sea Bright, New Jersey, or to any Monmouth County party committee or any political action committee that is organized for the purpose of promoting or supporting municipal candidates or municipal officeholder, as set forth in **Chapter 11 of the Sea Bright General Revised Code 1998**:

Dina Long, Mayor	Independent
Peggy Bills, Councilmember	Monmouth County Republican Organization
William J. Keeler, Councilmember	Monmouth County Republican Organization
Brian P. Kelly, Councilmember	Monmouth County Republican Organization
John M. Lamia, Jr.	Monmouth County Republican Organization
Marc A. Leckstein, Councilmember	Democrat County Committee
Charles H. Rooney, III	Democrat County Committee

Any other committees, whether or not named above, as may be prohibited by Chapter 11 of the Sea Bright General Revised Code 1998

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, and the names and home addresses of all directors and officers of the business entity.

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

Part III – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: _____

Signature of Affiant: _____

Title: _____

Printed Name of Affiant: _____

Date: _____

Subscribed and sworn before me this ___ day of _____, 2____.

My Commission expires:

(Witnessed or attested by)

(Seal)

REQUEST FOR PROPOSALS
VARIOUS PROFESSIONAL SERVICES

TO THE BOROUGH OF SEA BRIGHT BOROUGH COUNCIL:

The undersigned declares they have examined and fully understand the Borough's application process and other documents herein referred to, and if this proposal is accepted, to furnish and deliver services requested and to perform all work in accordance with the contract documents to be provided upon award.

FIRM: _____

ADDRESS: _____

TELEPHONE NO.: _____ **FAX NO.:** _____

EMAIL ADDRESS: _____

FEDERAL I.D. # OR SOCIAL SECURITY NO.: _____

SIGNATURE OF AGENT: _____

TYPE OR PRINT NAME OF AGENT: _____

(Name of Business)

AFFIX CORPORATE SEAL (IF CORPORATION)

PROPOSAL COVER SHEET

(SEPARATE APPLICATIONS REQUIRED FOR ALL POSITIONS CHECKED)

Date: _____

Company Name: _____

Address: _____

Please check the box next to the professional service for which you are submitting a proposal. If applying for more than one category, please provide one original, one copy and one digital copy of the Proposal for EACH category. Thank you.

- Borough Attorney/Counsel
- Bond Attorney/Counsel
- Labor Attorney/Counsel
- Special/Conflicts Counsel for Conflict Issues
- Tax Appeal Attorney
- Borough Prosecutor
- Borough Prosecutor (Alternate)
- Borough Public Defender
- Borough Auditor
- Borough Engineer/Planner
- Consultant Borough Engineer (s)
- Planning Board Attorney/Counsel (Appointed by Planning Board)
- Planning Board Engineer/Planner (Appointed by Planning Board)
- Borough – Tax Appeal Attorney
- Borough Architect
- Borough Architect – Review of Plans and Municipal Projects on a as needed basis