

**BOROUGH OF SEA BRIGHT
REQUEST FOR PROPOSALS & QUALIFICATIONS
2025 MUNICIPAL PROFESSIONAL SERVICES
UNDER THE FAIR AND OPEN PROCESS**

NOTICE IS HEREBY GIVEN that, in accordance with N.J.S.A. 19:44A-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 2025:

1. Borough Attorney
2. Bond Counsel
3. Labor Attorney
4. Tax Appeal Attorney
5. Special/Conflicts Counsel
6. Special Counsel for Educational Issues
7. Special Counsel for Redevelopment Issues
8. Borough Engineer
9. Borough Planner
10. Consultant Borough Engineer(s)
11. Borough Prosecutor and Alternate Prosecutor
12. Borough Public Defender and Alternate Public Defender
13. Borough Auditor
14. Municipal Financial Advisor
15. Risk Management Consultant
16. Insurance Broker for Flood Insurance
17. Affordable Housing Administrative Agent Services
18. Telecommunications Consultant
20. Planning Board Attorney/Counsel (Appointed by Planning Board)
21. Planning Board Engineer (Appointed by Planning Board)
22. Planning Board Planner (Appointed by Planning Board)

Proposal documents are available in the Borough Clerk's office during regular business hours and on the Borough website at www.seabrightnj.org.

All proposals shall be submitted to the Borough Clerk (including one (1) hard copy and a digital copy (USB flash drive) at 1099 Ocean Avenue, Sea Bright, NJ 07760, no later than 12:00 Noon on Friday, December 6, 2024.

Respondents are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. PL 2004, C.1 and are required to comply with all terms imposed by NJ Election Law N.J.S.A. 19:44A-20.27 subject to campaign funding limits.

Said letters and proposals will be evaluated by the Mayor and Borough Council in conjunction with the respective Boards/Committees. The Governing Body reserves the right to reject any or all submissions due to any defects or waive informalities and accept any submissions that in their judgment will be in the best interest of the Borough.

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 a one-year contract (January 1, 2025 through December 31, 2025). Proposals will be accepted for the specific professional services set forth in the Public Notice, a copy of which is attached hereto.
2. Proposals (one hard copy and one digital copy on a USB flash drive) shall be sent to:
Borough of Sea Bright
Attn: Municipal Clerk
1099 Ocean Ave
Sea Bright, New Jersey 07760

no later than **FRIDAY, DECEMBER 6, 2024 at 12 noon**. **If applying for more than one category, please provide a separate proposal for EACH category.**

3. The mailed proposal shall be submitted in a sealed envelope bearing the name and address of the applicant written on the envelope and clearly marked with the contract title for which you are applying.
4. The applicant understands that the proposal must be compliant with the requirements of the Borough. 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.
5. It is the applicant's responsibility to see that proposals are presented to the Borough on the hour and at the place designated. 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.**
6. 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.
7. All proposals will be evaluated by the Mayor and the Borough Council of the Borough of Sea Bright, except for proposals rendered to the Sea Bright Planning Board. Such proposals will be forwarded to the Planning Board for evaluation and determination pursuant to the Municipal Land Use Law.

8. Proposals will be evaluated by the Mayor, Council and Administration of the Borough of Sea Bright on the basis of:
 - a. Qualifications, 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 attend all required meetings or court proceedings (if applicable)
 - 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
9. 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.
10. The successful respondent will be notified of the award of contract upon favorable decision by the governing body.
11. **The successful respondent will be expected to provide invoices for services rendered on a monthly basis.**

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:

Borough Attorney

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/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.

Special/Conflicts Counsel

The Borough's Special/Conflicts Counsel 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, affordable housing matters, 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.

Special Counsel for Educational Issues

The Borough's Special Counsel for Educational issues may be an individually licensed attorney or law firm that handles litigation and issues regarding school districting and reconfiguration and related tax implications as well as preparing feasibility studies.

Special Counsel for Redevelopment Issues

The Borough's Special Counsel for Redevelopment issues may be an individually licensed attorney or law firm that will provide all legal services necessary for the redevelopment of specified areas within the Borough.

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 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.

Labor Attorney

The Borough's general Labor Attorney 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.

Tax Appeal Attorney

The Tax Appeal Attorney may be an individually licensed attorney or law firm that will perform all legal services required in order to defend and/or prosecute real property tax appeals relating to those ongoing real property tax appeals and such other appeals or tax matters that may be filed against and/or by the Borough of Sea Bright and such ongoing municipal tax matters in which the Borough has required legal representation by counsel other than the Borough Attorney that may be filed against and/or by the Borough of Sea Bright or other similar representation as required or desired.

The Borough of Sea Bright is requesting proposals for Tax Appeal Attorney Services, including appeals before the Monmouth County Board of Taxation and Superior Court of New Jersey. Counsel may also be called upon to provide other types of legal services of a specialized nature. Proposer must demonstrate extensive and concentrated experience and expertise in all facets of municipal tax appeals.

Borough Prosecutor/Alternate

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 Public Defender/Alternate

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.

Borough Auditor

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 of 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 in 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, and 3) New Jersey State Finance statutes including but not limited to:

- N.J.S.A. 40A:11 Local Public Contracts Law
- N.J.S.A. 40A:4 Local Budget Law
- N.J.S.A. 40A:2 Local Bond Law
- N.J.S.A. 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.

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. The Planner will attend meetings of the Borough Council as requested.

Consulting Engineers

The Borough's Consulting Engineers shall be individuals or firms that are licensed professional engineers in the State of New Jersey. The Borough appoints a list of Consulting Engineers who are assigned by the Borough on a project basis that may be individually bid, based on a particular area of expertise (environmental, structural, traffic, etc.), lack of probability of potential conflicts and competitive pricing. A Consulting Engineer shall be capable of providing any of the professional engineering services in accordance with generally accepted engineering standards and the laws and regulations of the State of New Jersey. Consulting Engineers may periodically be requested to attend meetings of the Borough Council. Services to be provided may also include professional planning review and preparation of written reports on studies, programs, etc. prepared by federal, state and county agencies as deemed necessary by the Borough. If available, the qualifications submitted shall also identify a licensed professional planner with certification from the American Institute of Certified Planners who shall be responsible for any planning services that may be required by the Borough from time to time.

Risk Management Consultant

The Borough's Risk Management Consultant shall assist the Borough in identifying its insurable property and casualty exposures; recommend professional methods to reduce, assume or transfer risk or loss, provide assistance in the application for and negotiation of selected policies; review Certificates of Insurance provided by contractors, vendors and professionals; review the Borough's assessments, assist in the preparation of the annual insurance budget; and generally assist the Borough with its loss containment objectives. The Consultant will review with the Borough any additional coverages that the Consultant feels should be carried but are not available from the Monmouth County Joint Insurance Fund (JIF) and subject to the Borough's authorization place such coverages outside the Fund.

Municipal Financial Advisor

The Municipal Financial Advisor shall review the requirements of prior secondary market disclosure undertakings and ensure all data is properly completed and posted by filing deadlines as well as post any rating agency changes. The Financial Advisor shall assist with the development of financial strategies, refunding opportunities, assistance with bond issues and other financial analysis as needed.

Affordable Housing Administrative Agent Services

Provide affordable housing administrative agent services as it pertains to all affordable rental and for-sale housing units. Oversight of all affordable housing matters as it pertains to affordable housing planning and administration.

Telecommunications Consultant

The Telecommunications Consultant shall be reliable and knowledgeable in performing application and other consultant related tasks on behalf of the Borough in connection with 5G, cellular and other telecommunications matters; interact with cellular telecommunications companies and review all applications requesting permits to expand their networks, review and make recommendations for pending Ordinances, review and provide direction on new and existing leases, utility poles, proposed smart poles and utility cabinets.

Planning Board Attorney (appointed by Planning Board)

The Planning Board Attorney 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 of Ownership / Certification

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-Collusion 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.

Failure to submit this shall be cause for rejection of the proposal.

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.

F. Termination of Contract

A. If, through any cause, the successful applicant shall fail to fulfill in a timely and proper manner obligations under this contract or if the contractor shall violate any of the requirements of this contract, the Borough shall thereupon have the right to terminate this contract by giving written notice to the contractor of such termination and specifying the effective date of termination. Such termination shall relieve the Borough of any obligation for balances to the contractor of any sum or sums set forth in the contract.

B. Notwithstanding the above, the contractor shall not be relieved of liability to the Borough for damages sustained by the Borough by virtue of any breach of the contract by the contractor and the Township may withhold any payments to the contractor for the purpose of compensation until such time as the exact amount of the damage due the Borough from the contractor is determined.

C. The contractor agrees to indemnify and hold the Borough harmless from any liability to subcontractors/suppliers concerning payment for work performed or goods supplied arising out of the lawful termination of the contract by the Borough under this provision.

D. In case of default by the successful applicant, the Borough may procure the articles or services from other sources and hold the successful applicant responsible for any excess costs incurred thereby.

BOROUGH OF SEA BRIGHT, NEW JERSEY

PLEASE PROVIDE THE NAME AND ADDRESS OF SUBMITTING FIRM, INDIVIDUAL OR ENTITY

PLEASE INDICATE THE PROFESSIONAL SERVICE/TITLE FOR WHICH YOU ARE SUBMITTING

- 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?**
- 3. Please provide the names and roles of the individuals who will perform the services, descriptions of their education and experience, degrees, licenses and certifications relevant to those services including specific experience with the Client/Owner to whom this submission is being sent (or with similar Client/Owners).**
- 4. Please discuss your (the firm’s) record of success in providing the same or similar services to those being requested.**
- 5. Please provide references who can be contacted to substantiate the above noted experience or record of success for the same or similar service.**
- 6. Please provide a list of your current municipal or public clients as well as past Borough clients.**
- 7. Please describe your (the firm’s) ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff, availability and/or ownership of key resources). If appropriate, a description of technical process and equipment available to the organization and used in performing the task(s) within the scope of work may be provided.**
- 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.**

CHECKLIST

The following items are required submissions in this proposal package (Items 2-7 are enclosed):

1. _____ Professional Service Proposal, Qualifications and Costs Submission Form
2. _____ Affirmative Action Certification or Report
3. _____ Affidavit of Non-Collusion (signed and notarized)
4. _____ Stockholder Disclosure Certification
5. _____ Professional Service Entity Information Form
6. _____ Mandatory Equal Opportunity Language
7. _____ Mandatory ADA Language
8. _____ Proposed Form of Contract
9. _____ Applicant and Sub-Applicant Business Registration Certificate
(copy, issued by the State of NJ Department of Treasury, Division of Revenue)

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

By: _____
Signature/ Authorized Representative

Name and Title

Telephone # _____ Fax # _____

E-Mail _____

**PROPOSAL COVER SHEET
2025 PROFESSIONAL SERVICES
BOROUGH OF SEA BRIGHT**

TO THE BOROUGH OF SEA BRIGHT MAYOR AND 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, will perform services in accordance with the contract documents to be provided upon award.

Date: _____

Firm: _____

Primary Contact: _____

Address: _____

Telephone No: _____

Email Address: _____

Authorized Signature: _____

AFFIX CORPORATE SEAL (IF CORPORATION)

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 (1) hard copy and one (1) digital copy of the proposal for EACH category.

- | | |
|---|--|
| <input type="checkbox"/> Borough Attorney | <input type="checkbox"/> Planning Board Attorney |
| <input type="checkbox"/> Bond Counsel | <input type="checkbox"/> Planning Board Engineer |
| <input type="checkbox"/> Labor Attorney | <input type="checkbox"/> Planning Board Planner |
| <input type="checkbox"/> Tax Appeal Attorney | |
| <input type="checkbox"/> Special/Conflicts Counsel | |
| <input type="checkbox"/> Special Counsel for Educational Issues | |
| <input type="checkbox"/> Special Council for Redevelopment Issues | |
| <input type="checkbox"/> Borough Engineer | |
| <input type="checkbox"/> Borough Planner | |
| <input type="checkbox"/> Consulting Borough Engineer(s) | |
| <input type="checkbox"/> Borough Prosecutor/Alternate | |
| <input type="checkbox"/> Borough Public Defender/Alternate | |
| <input type="checkbox"/> Borough Auditor | |
| <input type="checkbox"/> Risk Management Consultant | |
| <input type="checkbox"/> Insurance Broker for Flood Insurance | |
| <input type="checkbox"/> Municipal Financial Advisor | |
| <input type="checkbox"/> Affordable Housing Administrative Agent Services | |
| <input type="checkbox"/> Telecommunications Consultant | |

AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27
GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

COMPANY: _____

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

NON-COLLUSION AFFIDAVIT

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)

STATEMENT OF OWNERSHIP DISCLOSURE

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization: _____

Organization Address: _____

Part I Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type) Limited Liability Company (LLC)
- Partnership Limited Partnership Limited Liability Partnership (LLP)
- Other (be specific): _____

Part II

The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

OR

No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

Name of Individual or Business Entity	Address

Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

Website (URL) containing the last annual SEC (or foreign equivalent) filing	Page #'s

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II **other than for any publicly traded parent entities referenced above.** The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Address

Part IV Certification

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the **Borough of Sea Bright** is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with **Borough of Sea Bright** to notify the **Borough of Sea Bright** in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the **Borough of Sea Bright** to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:	
Signature:		Date:	

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.: _____

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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: _____

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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: _____

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.**

AMERICANS WITH DISABILITES 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. S121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or 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 grievant 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.