

ROCKAWAY BOROUGH BOARD OF EDUCATION

REQUEST FOR QUALIFICATIONS

FOR

ARCHITECTURAL SERVICES

Dated: April 13, 2017

By: Richard Matthews
School Business Administrator/
Board Secretary

NOTICE FOR REQUEST FOR QUALIFICATIONS

Notice is hereby given that pursuant to the requirements of N.J.A.C. 6A:23A-5.2 (a)(5), the Rockaway Borough Board of Education (hereinafter referred to as the "Board") is requesting qualifications statements (RFQ) from interested and qualified Architectural firms to provide Architectural services to the Board. The specific projects, services and fees will be outlined in a formal agreement at a later date. The Board Offices are located at 103 East Main Street, Rockaway Borough, New Jersey 07866

A copy of the RFQ may be inspected or picked up at the Board offices between the hours of 8:00 AM and 4:00 PM, Monday through Friday, except Saturday, Sundays and holidays.

All professionals submitting proposals must use and complete all forms and include all information required in the RFQ. An original and four (4) copies of the RFQ must be submitted, in a sealed envelope with "RFQ – Architectural Services" marked on the front of the envelope.

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

Submissions must be made to the Rockaway Borough Board of Education no later than **Wednesday, May 10**, 2017 If sent by mail, it should be clearly marked as "RFQ for Architectural Services." The proposals should be addressed to Rockaway Borough Board of Education, 103 East Main Street, Rockaway, New Jersey 07866. Facsimile and email responses will not be accepted.

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

Qualifications are being solicited through a fair and open process.

Background:

The Rockaway Borough Board of Education is a PreK-8 public school district providing educational services to approximately 600 students. The school district is comprised of one early learning center, one elementary school and one middle school. The district has multiple special education programs, many extra-curricular and interscholastic athletic programs. Further information may be obtained by visiting the school district's website at www.rockboro.org.

Request for Qualifications:

In accordance with N.J.S.A. 19:44A-20.4 et seq., the Rockaway Borough School District is requesting qualifications from Architectural firms located and licensed in the State of New Jersey to serve as Architect of Record for the district and to provide general architectural services for the 2017-2018 school year and two additional years at the Board's option for the 2018-2019 and 2019-2020 school years. In addition to be licensed to practice Architecture the Architectural firm shall properly registered to do business in the State of NJ.

Pursuant to Title 18A-18A-5(1) professional services are not required to be bid or advertised and the Board is not required to award on the basis of lowest price and will awarded based on what is deemed to be in the best interest of the District. The requests are being made to ensure the District receives the highest quality service at a fair and competitive price.

The successful professional must have a minimum of five (5) years' experience in full architectural services for NJ K12 public school(s), including the submission of applications to the Department of Education, programming, design, cost estimating, preparation of construction documents, public bid development, bid evaluation, construction administration, and project closeout on New Jersey K12 Public Schools projects. The individuals leading the team should have ten (10) years of experience as a licensed Architect.

The Rockaway Borough School District shall not be bound to use the appointed Architect of Record. The Board may use the services of other architectural firms for any projects approved by the Board when it is in the best interest of the Board.

The Firm acknowledges that he/she has read this Request for Qualifications has a full understanding and agrees to be bound by the terms and conditions.

Any departures from this Request for Qualifications must be noted. Any conditions or terms must be written and included with the RFQ.

The Rockaway Borough Board of Education reserves the right to reject any or all submissions in whole.

Proposal Due Date:

All proposals are due on Wednesday, May 10, 2017 at 4:00PM. Submissions received after the date and time specified will be returned unopened. All proposals shall remain firm for a period of sixty (60) days after the date specified for receipt of proposals. The submitter takes all responsibility for a timely submission.

Proposals must be submitted prior to the time and date specified by mail or hand delivered to the Board of Education. **No facsimile or e-mail proposals will be accepted.**

Contract Period:

The initial term of the contract for this proposal shall be through June 30, 2018, with two additional years at the Board's option for 2018-2019 and 2019-2020.

Qualifications Submission:

Your qualifications package for professional services should include the following:

A transmittal letter shall be submitted with the RFQ that identifies the person submitting the proposal and includes a commitment to provide services required by the Rockaway Borough Board of Education. The letter of transmittal is to be addressed and mailed to:

Mr. Richard Matthews
School Business Administrator/Board Secretary
Rockaway Borough Board of Education
103 East Main Street
Rockaway Borough, New Jersey 07866

Provide sufficient information within your submission for evaluation. Information regarding your firm including ownership, list of major NJ K12 educational clients and other pertinent information about your firm. Also please respond to the specific questions listed below.

- A. Where is the firm headquartered? If the firm has multiple offices from which office will the services for the district be provided?
- B. Name of the professional(s) to be assigned to the District and perform the tasks required?
 - a. Professional Licenses and certifications held by the individual(s) to be assigned?
- C. How many years has the firm been practicing Architecture?
- D. How many staff members working full time in the firm?
 - a. NJ Licensed Architects?
 - b. LEED accredited professionals?
 - c. Non-Licensed Architectural graduates?
 - d. Other
- E. Provide a list of NJ K12 School Districts for who the firm has provided services. Please identify any in Morris County specifically.
- F. What is the firm's experience with NJ K12 Public School referendums?
- G. Has the firm ever prepared a district for referendum and then not been retained post successful referendum for the actual project?
- H. What is the firm's experience with NJ K12 infrastructure projects (i.e. bathrooms, roofs, windows, etc.) for NJ K12 Public Schools?
- I. What is the firm's experience with the NJDOE Long Range Facilities Plan?
- J. Please provide a statement concerning the ability of the firm / individual to perform tasks assigned by the District in a timely fashion.

- K. Submit a list of hourly rates. While hourly rates are being submitted a set fee will be developed and agreed to by both parties on larger projects.
- L. Description of Services – provide a description of all services to be rendered with an explanation of how the services will be provided.
- M. Qualifications; Relevant Experience – provide additional evidence and documentation highlighting qualifications and experience that will assist the Board in the evaluation and selection process.
- N. Has the firm ever been released or terminated during its involvement from a project prior to completion? Please explain the circumstances including project name, location, date of release, etc.
- O. A list of all New Jersey public clients that have terminated services in the past two years.
- P. List the caption(s) of any and all actions which have been filed against you by a public entity (i.e. Board of Education, Municipalities) either by way of complaint, cross-claim or counterclaim, in connection with your rendering of architectural services.

References:

Provide a list of five (5) school districts for which your firm has provided services within the last three (3) years. Include the name of the district, the name and telephone number of a contact person, and the name of the individual that is assigned to that district.

The Rockaway Borough Board of Education reserves the right to contact references provided with this submission.

Award of Contract:

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

The evaluation will consider:

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

Laws:

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

Law Against Discrimination:

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

Indemnification:

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

Insurance:

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

General Liability Insurance:

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

Professional Liability (claims made basis) \$2,000,000.00

Any other insurance as deemed necessary by the Board of Education.

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

The insurance companies for the above coverage must be licensed by the State of New Jersey and acceptable to the Board. The Professional shall not take any action to cancel any of the insurance required under the agreement without notification to the Board.

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

Business Registration Certificate

Pursuant to N.J.S.A. 52:32-44, all proposals must be accompanied by a New Jersey Business Registration Certificate issued by the New Jersey Department of Treasury, Division of Revenue. N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that **knowingly** provide goods or perform services for a contractor fulfilling this contract:

- A. No contract with a subcontractor shall be entered into until the subcontractor provides a copy of a valid business registration certificate to the contractor. The contractor shall

provide copies of a current Business Registration Certificate for each subcontractor immediately upon entering into each subcontract. The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. The requirement of proof of business registration extends down through all levels (tiers) of the Project. Subcontractors through all tiers of a Project must provide written notice to their subcontractors and suppliers to submit proof of business registration and subcontractors shall collect such proofs of business registration and maintain them on file;

- B. The contractor shall maintain and submit a current, updated list of subcontractors and their current Business Registration Certificate as a continuing obligation under this contract. Before final payment on the contract is made by the contracting agency, the contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.
- C. For the term of this contract, the contractor and each of its affiliates and each subcontractor and supplier and each of its affiliates as defined in N.J.S.A. 52:32-44(g) (3) shall collect and remit and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

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

Annual Political Contributions Disclosure

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

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

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

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

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

Contributions reportable by the recipient under P.L. 1973, c.83 (codified at N.J.S.A.

19:44A-1 et. seq.) to any member of the school board from any business entity doing business with the school district are prohibited during the term of the contract.

When a business entity referred in 4.1(e) is a natural person, contribution by that person's spouse or child that resides therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

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

All bidders shall submit with their bid package a completed and signed Chapter 271

Political Contribution Disclosure Form. The Chapter 271 form will be reviewed by the district to determine whether the vendor is in compliance with the aforementioned N.J.A.C. 6A:23A-6.3 (a2) Award of Contract.

Termination

Either party may terminate the consultant agreement upon providing sixty (60) days written notice to the other party. Written notice shall be sent certified mail, return receipt requested.

Force Majeure

Neither party shall be liable in damages for any failure, hindrance or delay in the performance of any obligation under this Agreement if such delay, hindrance or failure to perform is caused by conditions beyond the control of either party, including, but not limited to, Acts of God, flood, fire, war or the public enemy, explosion, government regulations whether or not valid (including the denial or cancellation of any export or other necessary license), court order, state funding, or other unavoidable causes beyond the reasonable control of the party whose performance is affected which cannot be overcome by due diligence.

Vendors, and/or contractors who have a contract with the Board of Education to provide goods or services cannot unilaterally claim an increase in the cost of the contract because of Force Majeure.

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

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

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

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

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

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

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

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

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

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

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

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

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

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

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

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

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

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

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

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

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

SIGNATURE _____

NAME _____

DATE _____

TITLE _____

STOCKHOLDER OR PARTNERSHIP DISCLOSURE STATEMENT

STATE OF _____)

COUNTY OF _____)

SS:

In accordance with the request for proposals and the provisions of P.L. 1977, Chapter 33, Section 1 (N.J.S.A. 52:25-24.2), the undersigned being duly sworn according to law, deposes and says that the following is a list of the names and addresses of all stockholders in the corporation or partnership who own 10% or more of its stock or of all individual partners in the partnership who own a 10% or greater interest therein.

If one or more such stockholder or partner is itself a corporation or partnership, all stockholders holding a 10% or more of the corporation's stock or all individual partners owing 10% or greater interest in that partnership is also listed.

I.

Name of Corporation/
Partnership

Address

Name of Corporation/
Partnership

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

Use reverse side for additional stockholders/partners.

II.

Name of Corporation
Partnership who holds 10% or
more interest in the bidding
Corporation/partnership

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

Use reverse side for additional stockholders/partners.

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

Name of Firm

By:

Name

Official Title

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

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

AFFIDAVIT OF NONCOLLUSION

STATE OF _____)

Ss:

COUNTY OF _____)

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

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

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee.

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

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

**CONTACT INFORMATION
PUBLIC SCHOOL CLIENT LIST**

1. School District: _____

Grade Organization _____ Regional? Yes No

Contact Name and Title: _____

Telephone Number: _____

2. School District: _____

Grade Organization _____ Regional? Yes No

Contact Name and Title: _____

Telephone Number: _____

3. School District: _____

Grade Organization _____ Regional? Yes No

Contact Name and Title: _____

Telephone Number: _____

4. School District: _____

Grade Organization _____ Regional? Yes No

Contact Name and Title: _____

Telephone Number: _____

5. School District: _____

Grade Organization _____ Regional? Yes No

Contact Name and Title: _____

Telephone Number: _____

**ROCKAWAY BOROUGH BOARD OF EDUCATION
REQUEST FOR QUALIFICATIONS**

ARCHITECTUAL SERVICES

HOURLY RATES

Please provide the hourly rate for professional services:

Other (specify): _____

Please provide the hourly rate for support services:

Name of Firm: _____

Authorized Representative: _____
Print Name

Signature

Date: _____

Public Agency Instructions

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

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

5. It is recommended that the contractor also complete a “Stockholder Disclosure Certification.” This will assist the local unit in its obligation to ensure that contractor did not make any prohibited contributions to the committees listed on the Business Entity Disclosure Certification in the 12 months prior to the contract. (See Local Finance Notice 2006-7 for additional information on this obligation) A sample Certification form is part of this package and the instruction to complete it is included in the Contractor Instructions. **NOTE: This section is not applicable to Boards of Education.**

Contractor Instructions

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

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

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

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

- individuals with an "interest" ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, "a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity." [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

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

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

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

| | | | |
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Check here if the information is continued on subsequent page(s)

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

County Name:

State: Governor, and Legislative Leadership Committees

Legislative District #s:

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

County:

Freeholders

{County Executive}

County Clerk

Surrogate

Sheriff

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

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

STOCKHOLDER DISCLOSURE CERTIFICATION

Name of Business:

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

OR

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

Check the box that represents the type of business organization:

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

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

| | |
|--|---------------|
| <u>Stockholders:</u> | |
| Name: | Name: |
| Home Address: | Home Address: |
| Name: | Name: |
| Home Address: | Home Address: |
| Name: | Name: |
| Home Address: | Home Address: |
| Subscribed and sworn before me this _____ day of _____, 20__ | |
| (Affiant) | |

. (Notary Public)

My Commission expires:

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