### **EXHIBIT F - BID APPLICATION**

### **APPLICATION INSTRUCTIONS**

The following Bid Application (Application) including the Transmittal Letter <u>must</u> be used in applying for this lease opportunity with the Department of Environmental Protection (Department). These documents must be completed in accordance with the instructions included within them and within this Application.

In the preparation of all proposal materials applicants should keep in mind the nature of the operations to be conducted when framing the requested answers. Applicants should feel free to add attachments to the Application that stays within its organizational framework.

To become qualified as a bidder you must submit a complete Application, including all required **<u>Attachments</u>**, prior to the established deadline.

Any entity, including any individual, corporation, partnership, sole proprietorship, affiliate or other entity related thereto, that is: (a) listed as debarred by the State of New Jersey; (b) was a party to a prior agreement with the Department that was terminated or not renewed due to breach, non-performance, failure to make required payments due thereunder or otherwise for cause; or (c) owes the Department compensation of any type from a prior agreement shall be considered non-responsive to this solicitation. The Tenant shall not employ, or subcontract or assign the Lease Operation to, any individual, corporation, partnership, sole proprietorship, affiliate or other entity related to a disqualified entity.

### **OPEN PUBLIC RECORDS ACT**

The Legislature finds and declares it to be the public policy of this State that:

### All records shall be accessible:

government records shall be readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest, and any limitations on the right of access accorded by P.L. 1963, c. 73 (C. 47:1A-1 et seq.) as amended and supplemented, shall be construed in favor of the public's right of access;

### All records public unless meets a permitted exemption:

all government records shall be subject to public access unless exempt from such access by: P.L. 1963, c. 73 (C. 47:1A-1 et seq.) as amended and supplemented; any other statute; resolution of either or both houses of the Legislature; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; any federal law, federal regulation, or federal order;

### Privacy interest:

a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy; and nothing contained in P.L. 1963, c. 73 (C. 47:1A-1 et seq.), as amended and supplemented, shall be construed as affecting in any way the common law right of access to any record, including but not limited to criminal investigatory records of a law enforcement agency.

### **BID PROPOSAL**

### SPRING MEADOW GOLF COURSE & INN LEASE AGREEMENT

For the privileges listed in the Lease Agreement, the potential Tenant agrees to pay to the "Treasurer-State of New Jersey" such compensation as indicated below:

**Note:** The Bidder shall place below an amount equal to or greater than the Department's minimum annual rental amount requirement of <u>Three Hundred Twenty-Five Thousand Nine Hundred Eight Dollars</u> (\$325,908.00) during each said calendar year, with the understanding that the first and last year Rent may not be based on full calendar years. Bidders must place below the highest total amount of compensation they are willing to pay for the annual Rent. Lesser bids that do not meet the Department's minimum bid requirement shall be rejected. *For example, if the bidder is proposing to submit a bid proposal in the amount of Three Hundred and Fifty Thousand Dollars, the bidder should write "Three Hundred and Fifty Thousand Dollars, the bidder should write "Three Hundred and Fifty Thousand Dollars." where indicated below.* 

I/We submit the bid proposal in the amount of \$\_\_\_\_\_\_, (write out) \_\_\_\_\_\_\_Dollars, to the State of New Jersey for each calendar year of Lease Agreement. Failure to complete this form may result in a determination that the bid proposal is materially non-responsive. All materially non-responsive bids will be rejected.

### PLEASE PRINT/TYPE THE FOLLOWING INFORMATION

The undersigned represents a/an (circle one): (Individual), (Partnership), or (Corporation) under the law of the:

State of:

Name of Individual/Corporation:

If Corporation, Name and Title of Officer Submitting Proposal:

Principal Address:

Telephone Number:

Authorized Signature:

Date:

**Note:** Only one (1) bid offering will be acceptable as noted. Variations, modifications, or exceptions to the bid offering will be cause to reject the bid offering. The Department of Environmental Protection reserves the right to waive any informality in or to reject any or all bids.

### APPLICANT'S FORMAT LETTER FOR SUBMITTING PROPOSAL (Please Print or Type)

TO: STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF TRANSACTIONS AND PUBLIC LAND ADMINISTRATION PUBLIC LAND ADMINSITRATION SECTION MAIL CODE: 401-07, P.O. BOX 420 TRENTON, NEW JERSEY 08625-0420

To Whom It May Concern:

(I)(We) hereby offer to provide services at (State Park Service Location) in accordance with the terms and conditions outlined in the posted Request for Proposal (RFP) # LE\_\_\_\_\_\_ and as explained in detail in the enclosed and required Application which, by this reference, is made a part hereof. Any exceptions to the terms and conditions outlined in the RFP are noted and discussed in the Application where appropriate.

(I)(We) certify that the information furnished herewith is true to the best of (my)(our) knowledge and belief. In addition, (I)(we) agree to complete the negotiation and execution of a Lease Agreement (Agreement) within a reasonable time if presented by the Department.

BY:

ORGANIZATION NAME: \_\_\_\_\_

APPLICANT: \_\_\_\_\_\_

|          | Printed Name | Signature |
|----------|--------------|-----------|
| DATE:    |              |           |
| TITLE:   |              |           |
| ADDRESS: |              |           |
|          |              |           |

### PART I

### IDENTIFYING INFORMATION, ORGANIZATIONAL HISTORY & PAST PERFORMANCE

### Criteria:

# COMPLETE THE INFORMATION REQUESTED BELOW AND ATTACH A COPY OF YOUR NEW JERSEY BUSINESS REGISTRATION OR CHARTIABLE REGISTRATION (AS APPLICABLE).

Complete this form using the format and instructions on the next two pages adding information as necessary.

| A. | Name of Organization:                              |  |  |
|----|--|--|--|
| B. | Federal ID #:                                      |  |  |
| C. | Form of Organization (check box):                  |  |  |
|    | CorporationPartnershipSole ProprietorshipNonprofit |  |  |
| D. | NJ Business/Charitable Registration #:             |  |  |
| E. | Name of Owner:                                     |  |  |
| F. | Organization Address:                              |  |  |
| G. | Organization Mailing Address:                      |  |  |
| H. |  |  |  |
|    | (Cell)   |  |  |
| I. | Email address/es:                                  |  |  |

Name of Applicant: \_\_\_\_\_ Lease Location & Type:

J. Structure of Organization:

| Names and Addresses of Owners | Percentage of Ownership |
|-------------------------------|-------------------------|
|                               |                         |
|                               |                         |
|                               |                         |
|                               |                         |
|                               |                         |
|                               | _                       |

K. Organizational History:

If Organization is a corporation, partnership or is individually owned, provide the following information:

**1. Corporation – ATTACH** the date of incorporation; State of incorporation; president's name; vice president's name; secretary's name; treasurer's name; corporate agent for service; current status of the corporation; how many years your organization been in business under its present business name; and what other or former names your organization operated under (if any).

**2. Partnership** – **ATTACH** the date of organization; type of partnership; name(s) of general partner(s); how many years your organization been in business under its present business name; and what other or former names your organization operated under (if any).

**3. Individual – ATTACH** the date the organization established; name of owner; how many years your organization been in business under its present business name; and what other or former names your organization operated under (if any).

L. The following attachments must be provided as applicable for each entity/person that is a subject of a copy of the preceding form:

### ALL APPLICANTS MUST ATTACH A CURRENT COPY OF THEIR NEW JERSEY BUSINESS OR CHARTIABLE REGISTRATION

- 1. For a Corporate APPLICANT and proposed corporations: <u>Articles of Incorporation and By-Laws.</u>
- 2. For APPLICANTS who are Partnerships or for proposed partnerships: <u>Partnership</u> <u>Agreements</u>.

- 3. For Nonprofit applicants: Articles of Incorporation and By-Laws
- M. Past Performance Information:
  - 1. Has your organization ever failed to complete any contract awarded to it? Circle (Yes / No)
  - 2. Within the past five (5) years, has any officer or principal of your organization ever served as an officer or principal of another organization when it failed to complete a contract? Circle (Yes / No)
  - 3. Are there any judgments, claims, arbitration proceedings, or lawsuits pending or outstanding against your organization or its officers or principals? Circle (Yes / No)
  - 4. Has your organization filed any lawsuits or requested arbitration with regard to any contracts within the last five (5) years? Circle (Yes / No)
  - 5. Has any owner made a claim against your organization which has resulted in arbitration or litigation with the past five (5) years? Circle (Yes / No)
  - 6. Has your organization or any of its officers, principals or owners ever been convicted of a crime, or are they presently the target of any criminal or administrative investigation? Circle (Yes / No)
  - 7. Has your organization or any of its officers, principals, or owners ever been disqualified, suspended, or debarred from a contract with any federal, State, or local government entity? Circle (Yes / No)
  - Has your organization or any principal owner declared bankruptcy in the past 5 years? Circle (Yes / No)
  - 9. Does your organization or any of its officers, principals or owners currently possess a liquor license issued by the New Jersey Division of Alcoholic Beverage Control? Circle (Yes / No)
  - Has your organization or any of its officers, principals, or owners ever applied to and been unable to obtain a liquor license issued by the New Jersey Division of Alcoholic Beverage Control? Circle (Yes / No)
  - 11. Has your organization or any of its officers, principals or owners ever possessed a liquor license issued by the New Jersey Division of Alcoholic Beverage Control and been investigated for violations and/or had disciplinary proceedings against the licensee(s)? Circle (Yes / No)
  - 12. Has your organization or any of its officers, principals or owners ever possessed a liquor license issued by the New Jersey Division of Alcoholic Beverage Control and has had the license revoked? Circle (Yes / No)

If the answer to any questions in "1" through "12" above is yes, please **ATTACH** details including the disposition of any matter set forth therein.

### PART II

### **EXPERIENCE AND ORGANIZATIONAL STRUCTURE**

The bidder should include information relating to its organization, personnel, and experience, including but not limited to references, together with contact names and telephone numbers, evidencing the bidder's qualifications and capabilities to perform the services required by the RFP and Lease Agreement.

Each bidder also shall describe in detail its experience and expertise in providing golf course management services and restaurant, bar, and banquet/catering services for projects similar in size and scope to the Spring Meadow Golf Course and Spring Meadow Inn including:

- 1. a description of all golf courses the bidder has managed or been involved with, including size, number of memberships, and location for each course; and
- 2. the beginning and ending dates of each management contract or lease associated for each golf course listed in "1" above; and
- 3. A description of the bidder's experience as a provider of a restaurant with a bar and banquet/catering services; and
- 4. The beginning and ending dates of each management contract or lease associated with each restaurant with a bar and banquet/catering facilities listed in "3" above; and
- 5. A list of any other qualifications, awards or experience as a provider of a golf course and restaurant with a bar, halfway house and banquet/catering services; and
- 6. A description of all other facilities and properties it has operated, managed or been involved with, including size, type of service, and location.

### **RESUMES**

**ATTACH** detailed resumes for all management, supervisory, and key personnel who will be acting under the Lease Agreement. Resumes should be structured to emphasize the relevant qualifications and experience of these individuals.

In the event the bidder must hire or otherwise engage management, supervisory, and/or key personnel if awarded the proposal, the bidder should include a recruitment plan for such personnel. Said recruitment plan should demonstrate that the bidder will be able to initiate and complete the project within the time frame required by this RFP.

### **ORGANIZATIONAL STRUCTURE**

**ATTACH** an organizational chart showing the entire organization structure, including principal lines of authority between functional areas and managers. Indicate the number of employees or volunteers in each functional area and provide summary descriptions of the basic functions where those are not obvious by title. Make absolutely clear who the management decision-makers will be. Provide proposed wage levels and estimated hours per week for each position or group of positions.

In the organizational chart you must describe a contingency plan if a manager(s) cannot work on any given day or days. Describe, in detail, which employees will operate the Leased Premises in these instances.

### PART III

### **OPERATIONAL MANAGEMENT PLAN**

### Criteria:

- **1.** The Applicant agrees to provide the facilities and/or service(s) substantially as requested.
- 2. The maintenance activities proposed are systematic and reflect a goal of sustained high quality facilities.
- **3.** Employee/volunteer training is well planned. The proposed program will provide fully trained employees to start-up operations.
- 4. Safety and security issues are identified and planned for thoughtfully.
- 5. The offer reflects an understanding of the Department's mission and a Tenant's place in carrying out that mission.

### A. OPERATIONAL MANAGEMENT PLAN

The bidder shall describe its plans and approach for fulfilling the requirements set forth in the RFP and the Lease Agreement. The RFP and the Lease Agreement fully describe the minimum services to be provided by the Tenant. The bidder must, in its proposal, present its understanding of the requirements of the RFP and Lease Agreement and its ability to fulfill said requirements successfully. However, the bidder should not be limited by the services described and may expand upon, supplement, or add other service areas where the bidder has expertise that may benefit the State.

Each bidder shall submit a Operational Management Plan containing a complete description of how the bidder intends to fulfill its obligations under the RFP and Lease Agreement, in narrative format. The Operational Management Plan shall contain a complete description of how the bidder intends to

Name of Applicant: \_\_\_\_\_\_ Lease Location & Type:

implement each aspect of the requirements set forth in the RFP and Lease Agreement. The narrative should exemplify to the State that the bidder understands the objectives of the RFP and Lease Agreement, the nature of the services required, and the level of effort necessary to successfully execute the services under the RFP and Lease Agreement. The bidder's narrative further should be designed to demonstrate that the bidder's Operational Management Plan is viable and can be successfully executed, and that the bidder's general approach to undertaking the RFP and Lease Agreement and fulfilling the State's goals is in accordance with the tasks and subtasks involved.

Mere reiteration of the requirements set forth in the RFP and Lease Agreement is strongly discouraged, as such a narrative would not provide insight into the bidder's ability to successfully perform under the RFP and Lease Agreement. In sum, the bidder's response should be designed to demonstrate that the bidder's detailed plans and proposed approach to performing the requirements under the RFP and Lease Agreement are realistic, attainable, and appropriate and that the bidder's proposal will lead to successful performance thereunder.

The bidder should describe its specific plans to manage, control, and supervise the Lease Agreement to ensure satisfactory performance according to the bidder's proposed schedule. The Operational Management Plan should include the bidder's approach to communication with the Department, including but not limited to status meetings and status reports.

(i) **ATTACH** a Operational Management Plan that includes, but is not limited to the following information:

- a. Description of the golf course and the restaurant/bar, halfway house and banquet/catering services the bidder will provide;
- b. Potential number of employees and required qualifications for all specific positions;
- c. Proposed hours of operation and months of operation;
- d. A proposed fee schedule for all services, memberships, and course usage;
- e. Proposed plans for advertising and promotion;
- f. Proposed plans for Leased Premises improvements through routine maintenance and repair. Bidder shall include equipment and maintenance schedules for the Leased Premises and a turf cultivation and management plan for the Golf Couse;
- g. Proposed plans for a Pro Shop and the merchandise to be sold;
- h. Proposed security plan including crowd control measures and handling of emergencies and closures;
- i. Proposed plans and timelines for the Required Improvements, set forth in Section 1.4 of the RFP, to the Leased Premises;

- j. Plans, programs and procedures for any restoration and renovations of the Golf Course including but not limited to the greens, tees, fairways and bunkers.
- k. Proposed plans and timeline for any other renovations and improvements to the Leased Premises;
- 1. Proposed sub-tenants or sub-contractors and a detailed description of the proposed services to be provided by each (if any).
- m. Description of parking requirements for bidder's company vehicles (if to be left onsite overnight), vehicles to be parked, and reason for leaving vehicles onsite;
- n. Summary of any and all problems anticipated during the term of the Lease Agreement. For each problem identified, the bidder should provide its proposed solution.

### PART IV

### **MOBILIZATION AND IMPLEMENTATION PLAN**

Each bidder shall submit a detailed mobilization and implementation plan containing a complete description of how the bidder intends to have the Leased Premises open and operational within a reasonable time after execution of the Lease Agreement.

(i) **ATTACH** a Mobilization and Implementation Plan that includes, but is not limited to the following information:

- a. detailed timetable for the mobilization and implementation period beginning with the date of notification of the proposal award. This timetable should be designed to demonstrate how the bidder will have the Leased Premises open and operational within a reasonable time after execution of the Lease Agreement and by what date.
- b. A plan for the development and use of management, supervisory, or other key personnel during the mobilization and implementation period. The plan should show all management, supervisory, and key personnel that will be assigned to manage, supervise, and monitor the bidder's mobilization and implementation of the Lease Agreement within the period of a reasonable time after the execution of the Lease Agreement. The bidder should identify clearly the management, supervisory, or other key staff that will be assigned only during the mobilization and implementation period.

- c. A plan for the purchase and distribution of equipment, inventory, supplies, materials, etc. that will be required to fully implement the Lease Agreement within a reasonable timeframe from the Effective Date of the Agreement.
- d. A plan for the use of sub-tenants/contractors, if any, with respect to implementing the Lease Agreement within a reasonable timeframe from the Effective Date of the Agreement, understanding that no sub-tenant/contractor is allowed under any NJ DABC license issued to Tenant. Emphasis should be placed on how any sub-tenant/contractor identified will be involved in the mobilization and implementation plan.

### PART V

### FINANCIAL VIABILITY

### Criteria:

- 1. The APPLICANT has a well-founded estimation of the level of sales and expenses the organization will generate, can finance the organization, and has made soundly based estimates showing sufficient cash flow and reasonable returns on the investments.
- 2. The applicant agrees to pay no less than the minimum stipulated Lease Payment as determined by the bid process and made part of the proposed AGREEMENT.

### **BUDGET**

Provide a budget estimating the capital needed to establish the organization in operation. Either ATTACH or provide the following summary figures here:

| TOTAL                          |    | \$ |
|--------------------------------|----|----|
| Other (Specify)                |    | \$ |
| # of Employees & Wages (#Emps: | _) | \$ |
| Inventory/Goods                |    | \$ |
| Equipment required             |    | \$ |

The bidder shall provide proof of its financial capacity and capabilities to undertake and successfully carry out its responsibilities under the Lease Agreement. To satisfy this requirement, the bidder shall **ATTACH** the following:

- 1. The name and address of the bidder's bank, chief banking representative handling the bidder's account, documentation from a bank or financial institution regarding current lines of credit, and the bidder's federal employer information number (FEIN);
- 2. Certified financial statements from an independent CPA, including applicable notes, reflecting the bidder's assets, liabilities, net worth, revenues and receipts, expenses, profit or loss, and cash flow for the most recent calendar year or the bidder's most recent fiscal year; or
- 3. If a certified financial statement is not available, then either a reviewed or compiled statement from an independent accountant setting forth the same information.

### PART VI

### CERTIFICATION

### **CERTIFICATION:**

I hereby certify that:

- a) this APPLICATION does not contain any materially untrue statement or omit any material fact or contain any statement that might be misleading; and
- b) this APPLICATION is a true and fair description of myself and/or organization.

I certify that the foregoing statements made by me are true to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

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

Print Name and Title:

### **CERTIFICATE OF CORPORATE OFFER (IF APPLICABLE)**

| I,  |       |        | ,      | cert     | ify       | that   | Ι           | am         | the   |
|---|-------|--------|--------|----------|-----------|--------|-------------|------------|-------|
|   | of    | the    | corp   | oration  | named     | as     | applicant   | herein;    | that  |
| , wl                                      | ho s  | signed | d this | Applic   | ation on  | behal  | f of the co | rporation, | was   |
| then                                      | of    | said   | corpo  | oration; | that said | l prop | osal was d  | uly signe  | d for |
| and in behalf of the corporation by autho | ority | of it  | ts gov | verning  | body wi   | thin t | he scope o  | f its corp | orate |
| powers.                                   |       |        |        |          |           |        |             |            |       |
| Signed:                                   |       |        |        |          | Date      | :      |             |            | _     |
| Print Name and Title:                     |       |        |        |          |           |        |             |            | -     |

### State of New Jersey Division of Purchase & Property

Information Sheet and Certification for Delegated Purchasing Authority Transactions

|               | Company Information          |
|---------------|------------------------------|
| Company Name  |                              |
| Address       |                              |
| City          | State Zip Code               |
| Country       | United States Contact Person |
| Phone         | Fax                          |
| Company Email | ·                            |
| FEIN/SSN      | Quote or PO #                |

The information provided above will be used to pre-populate information fields within the Delegated Purchasing Authority ("DPA") Transactions document packet for your convenience.

This certification will serve as your official signature for the following certifications presented within this document packet:

#### **Ownership Disclosure Form**

**Disclosure of Investigations and Actions Involving Bidder Form** 

**Disclosure of Investment Activities in Iran Form** 

Source Disclosure Certification Form

MacBride Principles Certification Form

Vendor Certification and Political Contribution Disclosure Form

Two Year Chapter 51 / Executive Order 117 Vendor Certification

and Disclosure of Political Contributions Form

Affirmative Action Supplement Form

Delegated Purchasing Authority Terms and Conditions

Please Note: For businesses not registered by the State of New Jersey, Division of Revenue, you MUST complete a Business Registration Certificate Application, which is located here <u>http://www.nj.gov/njbusiness/starting/</u>. You must have a valid Business Registration Certificate to be eligible to do business with the State of New Jersey.

You must also answer the questions on the following forms/certifications: Ownership Disclosure Form, Disclosure of Investigation and Actions Involving Bidder Form, Disclosure of Investment Activities in Iran Form, Source Disclosure Certification Form, MacBride Principles Certification Form, Vendor Certification and Political Contribution Disclosure Form, Two Year Chapter 51 / Executive Order 117 Vendor Certification and Disclosure of Political Contributions Form and the Affirmative Action Supplement Form. These questions must be answered in full in order for you or your company to be eligible for award.

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to promptly notify the State in writing of any changes to the answers of information contained herein. I acknowledge 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 recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option may declare any contract(s) resulting from this certification void and unenforceable.

I certify that the signature on this page below has the effect of and constitutes a signature on every page listed in this packet.

Signed By:

Current Date

Title:

### STATE OF NEW JERSEY -- DIVISION OF PURCHASE AND PROPERTY OWNERSHIP DISCLOSURE FORM

| S  | olicitation Number: Bidder/Offeror:   |                          |       |
|----|---|--------------------------|-------|
|    | PART 1: PLEASE COMPLETE THE QUESTIONS BELOW BY CHECKING EITHER THE "YES"<br>ALL PARTIES ENTERING INTO A CONTRACT WITH THE STATE ARE REQUIRED TO COMPLETE THIS FORM PURSUANT TO<br>PLEASE NOTE: IF THE BIDDER/OFFEROR IS A NON-PROFIT, THIS FORM IS NOT REQUIRED. PLEASE COMPLETE THE SEPA<br>INVESTIGATIONS FORM. | O <u>N.J.S.A.</u> 52:25- | 24.2  |
|    |   | YES                      | NO    |
| 1. | Are there any individuals, corporations or partnerships owning a 10% or greater interest in the bidder/offeror  | ?                        |       |
| IF | THE ANSWER TO QUESTION 1 IS <u>NO</u> , PLEASE SIGN AND DATE THE FORM. YOU DO NOT HAVE TO CO<br>QUESTIONS ON THIS FORM. IF THE ANSWER TO QUESTION 1 IS <u>YES</u> , PLEASE ANSWER QUESTIO   |                          |       |
| 2. | Of those parties owning a 10% or greater interest in the bidder/offeror, are any of those parties individuals?  |                          |       |
| 3. | Of those parties owning a 10% or greater interest in the bidder/offeror, are any of those parties <b>corporations</b> or partnerships?  |                          |       |
| 4. | If your answer to Question 3 is "YES", are there any parties owning a <b>10% or greater</b> interest in the corporation or partnership referenced in Question 3?  |                          |       |
|    | IF ANY OF THE ANSWERS TO QUESTIONS 2-4 ARE YES. PLEASE PROVIDE THE REQUESTED INFORMATION  | N IN PART 2 E            | ELOW. |

### PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO QUESTIONS 2-4 ANSWERED AS "YES".

For Questions 2-4 answered "YES", you **must** disclose identifying information related to the individuals, partnerships and/or corporations owning a 10% or greater interest in the bidder/offeror. Further, if one or more of these entities is itself a corporation or partnership, you must also disclose all parties that own a 10% or greater interest in that corporation or partnership. This information is required by statute.

#### TO COMPLETE PART 2, PLEASE PROVIDE THE REQUESTED INFORMATION PERTAINING TO EITHER INDIVIDUALS OR PARTNERSHIPS/CORPORATIONS HAVING A 10% OR GREATER INTEREST IN THE BIDDER/OFFEROR. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ENTRY" BUTTON IN THE APPROPRIATE ENTITY TYPE.

|               | Individuals   |              |
|---------------|---|--------------|
| Name:         | Date of Birth:  | Delete Entry |
| Home Address: | · · · · · · · · · · · · · · · · · · ·   |              |
| City          | State Zip Code  |              |
|               | additional entities holding <b>10% or greater</b> ownership interest in he bidder/offeror and its parent corporation/partnership? |              |
|               | Yes or No   |              |

|                     | Individuals   |              |
|---------------------|---|--------------|
| Name:               | Date of Birth:  | Delete Entry |
| Home Address:       |   | _            |
| City                | State Zip Code  | _            |
|                     | t <b>ional</b> entities holding <b>10% or greater</b> ownership interest in Ider/offeror and its parent corporation/partnership?    |              |
|                     | Yes or No   |              |
| Add An Additional I | ndividuals Entry  |              |
|                     | Partnerships/Corporations   |              |
| Entity Name:        |   | Delete Entry |
| Partner Name:       |   |              |
| Business Address:   |   | -            |
| City                | State Zip Code  | _            |
|                     | t <b>ional</b> entities holding <b>10% or greater</b> ownership interest in<br>Ider/offeror and its parent corporation/partnership? |              |
|                     | Yes or No   |              |

Add An Additional Partnerships/Corporations Entry

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; that the State of New Jersey 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 the State to notify the State 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 State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

| Full Name (Print): | Signature: |
|--------------------|------------|
| Title:             | . Date:    |
| FEIN/SSN:          |            |

### STATE OF NEW JERSEY -- DIVISION OF PURCHASE AND PROPERTY DISCLOSURE OF INVESTIGATIONS AND OTHER ACTIONS INVOLVING BIDDER FORM

| So | licitation Number:  | Bidder/Offeror:  |          |     |
|----|---|--|----------|-----|
|    | NON-PROFIT ENTITIES: PLEASE LIST ALL OFFICERS/DIRECTO   | O ON YOUR OWNERSHIP DISCLOSURE FORM WHEN ANS<br>TIONS BELOW. | WERING T | THE |
| 1. | Has any person or entity listed on this form or its attachmen<br>convicted in a criminal or disorderly persons matter by the S<br>any other state or the U.S. Government?                   |  |          |     |
| 2. | Has any person or entity listed on this form or its attachmen declared ineligible by any government agency from bidding supplies?   |  |          |     |
| 3. | Are there currently any pending criminal matters or debarme<br>and/or managers are involved?  | ent proceedings in which the firm and/or its officers        |          |     |
| 4. | Has any person or entity listed on this form or its attachmen<br>authorization required to engage in the work applied for her<br>authorization been revoked by any agency of federal, state | ein, or has any such license, permit or similar              |          |     |

IF ANY OF THE ANSWERS TO QUESTIONS 1-4 ARE <u>YES</u>, PLEASE PROVIDE THE REQUESTED INFORMATION IN PART 2 BELOW. IF ALL OF THE ANSWERS TO QUESTIONS 1-4 ARE <u>NO</u>, PLEASE READ AND SIGN THE FORM BELOW. NO FURTHER ACTION IS NEEDED. IF YOU ARE A NON-PROFIT, YOU MUST DISCLOSE ALL OFFICERS/DIRECTORS IN PART 2 BELOW.

### PART 2: PROVIDING ADDITIONAL INFORMATION

For Questions 1-4 answered "YES", you must provide a detailed description of any investigation or litigation, including but not limited to administrative complaints or other administrative proceedings, involving public sector clients during the past 5 years. This description must include the nature and status of the investigation, and for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and if applicable, disposition. Please provide this information in the box labeled "Additional Information" below. The box will prompt you to provide the information referenced above. Please provide thorough answers to each question. Click on the "Add Additional Information" button below the box if you need to make additional entries.

Non-profit bidder/offerors must disclose the individuals serving as officers or directors for purposes of this form. Please indicate all individuals acting in either capacity by providing the information located in the "Officers/Directors" box. If additional entries are needed, click the "Add an Officer/Director Entry" button.

Once all required information has been disclosed, complete the certification beneath the "Additional Information" section below. Failure to complete this form may render your proposal non-responsive.

|                         | <b>Officers/Directors</b> |              |
|-------------------------|---------------------------|--------------|
| Name:                   |                           | Delete Entry |
| Title                   | DOB                       | · · · · ·    |
| Address                 |                           |              |
| City                    | State Zip Code            |              |
| Phone                   | E-Mail                    |              |
| Add An Additional Offic | er/Director Entry         |              |

| Additional Information      |  |              |  |
|-----------------------------|--|--------------|--|
| Person or Entity            | Date of Inception:                       | Delete Entry |  |
| Current Status              | •  |              |  |
| Brief Description           |  |              |  |
| Caption of Action (if       | Disposition of Action<br>(if applicable) |              |  |
| Bidder/Offeror Contact Name |  |              |  |
| Contact Phone Number        |  |              |  |
| Add Additional Information  |  |              |  |

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; that the State of New Jersey 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 the State to notify the State 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 State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

| Full Name (Print): | 6 | Signature: |
|--------------------|---|------------|
| Title:             |   | Date:      |

### STATE OF NEW JERSEY -- DIVISION OF PURCHASE AND PROPERTY DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

Quote Number:

**Bidder/Offeror:** 

#### PART 1: CERTIFICATION

#### BIDDERS <u>MUST COMPLETE</u> PART 1 BY CHECKING <u>EITHER BOX</u>. FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE PROPOSAL NON-RESPONSIVE.

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <a href="http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf">http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf</a>. Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive. If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party

#### PLEASE CHECK THE APPROPRIATE BOX:

I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is <u>listed</u> on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

#### OR

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

#### PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

#### EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.

| Name  | Relationship to Bidder/Offeror                     |
|---|--|
| Description of Activities                             |  |
| Duration of Engagement<br>Bidder/Offeror Contact Name | Anticipated Cessation Date<br>Contact Phone Number |
| · · · · · · · · · · · · · · · · · · ·                 |  |

ADD AN ADDITIONAL ACTIVITIES ENTRY

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; that the State of New Jersey 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 the State to notify the State 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 State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

| Full Name (Print): | Signature: | • |
|--------------------|------------|---|
| Title:             | Date:      |   |

### STATE OF NEW JERSEY—DIVISION OF PURCHASE AND PROPERTY SOURCE DISCLOSURE FORM

Solicitation Number:

**Bidder/Offeror:** 

The Contractor submits this Certification in response to the solicitation issued by the Division of Purchase and Property, Department of the Treasury, State of New Jersey ("Division"), in accordance with the requirements of N.J.S.A. 52:34-13.2.

### Instructions:

List every location where services will be performed by the Contractor and all Subcontractors.

If any of the services cannot be performed within the United States, the Contractor shall state, with specificity, the reasons why the services cannot be performed in the United States.

| Contractor/<br>Subcontractor Name | Performance Location<br>by Country | Description of Services | Reason Services Cannot Be Performed<br>in U.S. |
|-----------------------------------|------------------------------------|-------------------------|--|
|                                   |                                    |                         |  |
|                                   |                                    |                         |  |
|                                   |                                    |                         |  |
|                                   |                                    |                         |  |

The Contractor shall provide justification that the services cannot be performed in the United States by a contractor. The Director will review this justification and if deemed sufficient, the Director may seek the Treasurer's approval.

Any changes to the information set forth in this Certification during the term of any contract awarded under the referenced solicitation or extension thereof will be immediately reported by the Vendor to the Director, Division of Purchase and Property (the "Director").

I understand that, after award of a contract to the Contractor, it is determined that the Contractor has shifted services declared above to be provided within the United States to sources outside the United States, prior to a written determination by the Director that circumstances require the shift of services or that the failure to shift the services would result in economic hardship to the State of New Jersey, the Contractor shall be deemed in breach of contract, which contract will be subject to termination for cause pursuant to the State of New Jersey Standard Terms and Conditions.

I further understand that this Certification is submitted on behalf of the Contractor in order to induce the Division to accept a proposal, with knowledge that the Division is relying upon the truth of the statements contained herein.

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; that the State of New Jersey 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 the State to notify the State 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 State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):

| Si | gna | ature: |  |
|----|-----|--------|--|
|    |     |        |  |

Title:

Date:

## MACBRIDE PRINCIPLES FORM

### **BIDDER'S REQUIREMENT**: TO PROVIDE A CERTIFICATION IN COMPLIANCE WITH THE MACBRIDE PRINCIPLES AND NORTHERN IRELAND ACT OF 1989.

Pursuant to Public Law 1995, c. 134, a responsible bidder selected, after public bidding, by the Director of the Division of Purchase and Property, pursuant to N.J.S.A. 52:34-12, must complete the certification below by checking one of the two representations listed and signing where indicated. If a bidder who would otherwise be awarded a purchase, contract or agreement does not complete the certification, then the Director may determine, in accordance with applicable law and rules, that it is in the best interest of the State to award the purchase, contract or agreement to has completed the certification and has submitted a bid within five (5) percent of the most advantageous bid. If the Director finds contractors to be in violation of the principles which are the subject of this law, they shall take such action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

I certify, pursuant to N.J.S.A. 52:34-12.2, that the entity for which I am authorized to bid:

Has no ongoing business activities in Northern Ireland and does not maintain a physical presence therein through the operation of offices, plants, factories, or similar facilities, either directly or indirectly, through intermediaries, subsidiaries or affiliated companies over which it maintains effective control; or

Will take lawful steps in good faith to conduct any business operations it has in Northern Ireland in accordance with the MacBride Principles of nondiscrimination in employment as set forth in N.J.S.A. 52:18A -89.8 and in conformance with the Fair Employment (Northern Ireland) Act of 1989, and permit independent monitoring of their compliance with those principles.

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; that the State of New Jersey 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 the State to notify the State 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 State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

| - |
|---|

## INFORMATION AND INSTRUCTIONS For Completing the "Two-Year Vendor Certification and Disclosure of Political Contributions" Form

### **Background Information**

On September 22, 2004, then-Governor James E. McGreevey issued E.O. 134, the purpose of which was to insulate the negotiation and award of State contracts from political contributions that posed a risk of improper influence, purchase of access or the appearance thereof. To this end, E.O. 134 prohibited State departments, agencies and authorities from entering into contracts exceeding \$17,500 with individuals or entities that made certain political contributions. E.O. 134 was superseded by Public Law 2005, c. 51, signed into law on March 22, 2005 ("Chapter 51").

On September 24, 2008, Governor Jon S. Corzine issued E.O. 117 which is designed to enhance New Jersey's efforts to protect the integrity of procurement decisions and increase the public's confidence in government. The Executive Order builds upon the provisions of Chapter 51.

#### **Two-Year Certification Process**

Upon approval by the State Chapter 51 Review Unit, the Certification and Disclosure of Political Contributions form is valid for a two (2) year period. Thus, if a vendor receives approval on January 1, 2014, the certification expiration date would be December 31, 2015. Any change in the vendor's ownership status and/or political contributions during the two-year period will require the submission of new Chapter 51/Executive Order 117 forms to the State Review Unit. Please note that it is the vendor's responsibility to file new forms with the State should these changes occur.

**State Agency Instructions:** Prior to the awarding of a contract, the State Agency should first send an e-mail to <u>CD134@treas.nj.gov</u> to verify the certification status of the vendor. If the response is that the vendor is NOT within an approved two-year period, then forms must be obtained from the vendor and forwarded for review. If the response is that the vendor is within an approved two-year period, then the response so stating should be placed with the bid/contract documentation for the subject project.

#### Instructions for Completing the Form

**<u>NOTE</u>**: Please refer to pages 3 and 4 "USEFUL DEFINITIONS for the purposes of Chapter 51 and Executive Order 117" for guidance when completing the form.

#### Part 1: BUSINESS ENTITY INFORMATION

Business Name – Enter the full legal name of the vendor, including trade name if applicable.

Address, City, State, Zip and Phone Number -- Enter the vendor's street address, city, state, zip code and telephone number.

Vendor Email – Enter the vendor's primary email address.

Vendor FEIN – Please enter the vendor's Federal Employment Identification Number.

**Business Type** - Check the appropriate box that represents the vendor's type of business formation.

**Listing of officers, shareholders, partners or members -** Based on the box checked for the business type, provide the corresponding information. (A complete list must be provided.)

### Public Law 2005, Chapter 51 and Executive Order 117 (2008)

### Part 2: DISCLOSURE OF CONTRIBUTIONS

Read the three types of political contributions that require disclosure and, if applicable, provide the recipient's information. The definition of "Business Entity/Vendor" and "Contribution" can be found on pages 3 and 4 of this form.

Name of Recipient - Enter the full legal name of the recipient.

Address of Recipient - Enter the recipient's street address.

Date of Contribution - Indicate the date the contribution was given.

Amount of Contribution - Enter the dollar amount of the contribution.

Type of Contribution - Select the type of contribution from the examples given.

Contributor's Name - Enter the full name of the contributor.

**Relationship of the Contributor to the Vendor** - Indicate the relationship of the contributor to the vendor. (e.g. officer or shareholder of the company, partner, member, parent company of the vendor, subsidiary of the vendor, etc.)

**NOTE:** If form is being completed electronically, click "Add a Contribution" to enter additional contributions. Otherwise, please attach additional pages as necessary.

Check the box under the recipient information if no reportable contributions have been solicited or made by the business entity. This box <u>must</u> be checked if there are no contributions to report.

### Part 3: CERTIFICATION

Check Box A if the representative completing the Certification and Disclosure form is doing so on behalf of the business entity <u>and all</u> individuals and/or entities whose contributions are attributable to the business entity. (<u>No</u> additional Certification and Disclosure forms are required if BOX A is checked.)

Check Box B if the representative completing the Certification and Disclosure form is doing so on behalf of the business entity <u>and all</u> individuals and/or entities whose contributions are attributable to the business entity <u>with the exception</u> of those individuals and/or entities that submit their own separate form. For example, the representative is not signing on behalf of the vice president of a corporation, but all others. The vice president completes a separate Certification and Disclosure form. (Additional Certification and Disclosure forms are required from those individuals and/or entities that the representative is not signing on behalf of and are included with the business entity's submittal.)

Check Box C if the representative completing the Certification and Disclosure form is doing so on behalf of the business entity only. (Additional Certification and Disclosure forms are required from all individuals and/or entities whose contributions are attributable to the business entity and must be included with the business entity submittal.)

Check Box D when a sole proprietor is completing the Certification and Disclosure form or when an individual or entity whose contributions are attributable to the business entity is completing a separate Certification and Disclosure form.

#### Read the five statements of certification prior to signing.

The representative authorized to complete the Certification and Disclosure form must sign and print her/his name, title or position and enter the date.

### Public Law 2005, Chapter 51 and Executive Order 117 (2008)

#### State Agency Procedure for Submitting Form(s)

The State Agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms either electronically to: <u>cd134@treas.nj.gov</u> or regular mail at: Chapter 51 Review Unit, P.O. Box 230, 33 West State Street, Trenton, NJ 08625-0230. Original forms should remain with the State Agency and copies should be sent to the Chapter 51 Review Unit.

#### **Business Entity Procedure for Submitting Form(s)**

The business entity should return this form to the contracting State Agency. The business entity can submit the Certification and Disclosure form directly to the Chapter 51 Review Unit only when:

- The business entity is approaching its two-year certification expiration date and is seeking certification renewal;
- · The business entity had a change in its ownership structure; OR
- The business entity made any contributions during the period in which its last two-year certification was in effect, or during the term of a contract with a State Agency.

#### **Questions & Information**

Questions regarding the interpretation or application of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13) or E.O. 117 (2008) may be submitted electronically through the Division of Purchase and Property website at: https://www.state.nj.us/treas/purchase/eo134questions.shtml Reference materials and forms are posted on the Political Contributions Compliance website at: http://www.state.ni.us/treasury/purchase/execorder134.shtml

### **USEFUL DEFINITIONS for the purposes of Chapter 51 and Executive Order 117**

"Business Entity/Vendor" means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. The definition also includes (i) if a business entity is a for-profit corporation, any officer of the corporation and any other person or business entity that owns or controls 10% or more of the stock of the corporation; (ii) if a business entity is a professional corporation, any partner; (iv) if a business entity is a sole proprietorship, the proprietor; (v) if the business entity is any other form of entity organized under the laws of New Jersey or any other state or foreign jurisdiction, any principal, officer or partner thereof; (vi) any subsidiaries directly or indirectly controlled by the business entity; (vii) any political organization organized under 26 U.S.C.A. § 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (viii) with respect to an individual who is included within the definition of "business entity," that individual's civil union partner and any child residing with that person. 1

"Officer'means a president, vice president with senior management responsibility, secretary, treasurer, chief executive officer or chief financial officer of a corporation or any person routinely performing such functions for a corporation. Please note that officers of non-profit entities are excluded from this definition.

"Partner" neans one of two or more natural persons or other entities, including a corporation, who or which are joint owners of and carry on a business for profit, and which business is organized under the laws of this State or any other state or foreign jurisdiction, as a general partnership, limited partnership, limited liability partnership, limited liability company, limited partnership association, or other such form of business organization.

<sup>1</sup>Contributions made by a spouse, civil union partner or resident child to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides are permitted.

### **USEFUL DEFINITIONS for the purposes of Chapter 51 and Executive Order 117**

- "Contribution" is a contribution, including an in-kind contribution, in excess of \$300.00 in the aggregate per election made to or received by a candidate committee, joint candidates committee, or political committee; or per calendar year made to or received by a political party committee, legislative leadership committee, or continuing political committee or a currency contribution in any amount.
- "In-kind Contribution" means a contribution of goods or services received by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.
- "Continuing Political Committee" includes any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least \$4,300 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined by the Commission to be a continuing political committee in accordance with N.J.S.A. 19:44A-8(b).
- **"Candidate Committee"** means a committee established by a candidate pursuant to <u>N.J.S.A.</u> 19:44A-9(a), for the purpose of receiving contributions and making expenditures.
- "State Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-4.
- "County Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-3.
- "Municipal Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-2.
- "Legislative Leadership Committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, or the Minority Leader of the General Assembly pursuant to <u>N.J.S.A.</u> 19:44A-10.1 for the purpose of receiving contributions and making expenditures.
- "Political Party Committee" means:
  - 1. The State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4;
  - 2. Any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or
  - 3. Any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2

State of New Jersey Department of the Treasury Division of Purchase and Property Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions

| с. ч.   | FOR STATE AG   | INCT USE UNET   |  |
|---|--|---|--|
| Solicitation, RFP, or Contract No   |  | Awaro   | d Amount   |
| Description of Services   |  |   |  |
| State Agency Name   | Conta  | ct Person   | A  |
| Phone Number  | Conta  | ct Email  |  |
| Check if the Contract / Agreement is B  | eing Funded Using  | HWA Funds   |  |
| . · · ·   | 2  |   | Please check if requesting   |
| Part 1: Business Entity Informatio  | <u>on</u>  |   | recertification $\Box$   |
| Full Legal Business Name  |  | ų.  |  |
|   | (Including trade r   |   | 2)   |
| Address   |  | <u>.</u>  |  |
| City  | State  | Zip   | Phone  |
| /endor Email  | Vendor FEIN  | (SS# if sole prop   | rietor/natural person)   |
| <ul> <li>Professional Corporation: LIST ALL OFF</li> <li>Partnership: LIST ALL PARTNERS with</li> <li>Limited Liability Company: LIST ALL M</li> <li>Sole Proprietor</li> </ul>   | MUST BE COMF<br>any 10% and greater<br>FICERS and ALL SHA<br>any equity interest<br>EMBERS with any eq   | shareholder<br>REHOLDERS<br>uity interest   |  |
| <ul> <li>Corporation: LIST ALL OFFICERS and a</li> <li>Professional Corporation: LIST ALL OFF</li> <li>Partnership: LIST ALL PARTNERS with</li> <li>Limited Liability Company: LIST ALL M</li> <li>Sole Proprietor</li> <li>Note: "Officers" means President, Vice Pres</li> </ul>  | MUST BE COMF<br>any 10% and greater<br>FICERS and ALL SHA<br>any equity interest<br>EMBERS with any eq<br>sident with senior ma<br>ration, or any person         | shareholder<br>REHOLDERS<br>uity interest<br>magement respons<br>routinely performi                     |  |
| <ul> <li>Corporation: LIST ALL OFFICERS and a</li> <li>Professional Corporation: LIST ALL OFF</li> <li>Partnership: LIST ALL PARTNERS with</li> <li>Limited Liability Company: LIST ALL M</li> <li>Sole Proprietor</li> <li>Note: "Officers" means President, Vice Presong</li> <li>Officer or Chief Financial Officer of a corpored</li> </ul> | MUST BE COMF<br>any 10% and greater<br>FICERS and ALL SHA<br>any equity interest<br>EMBERS with any eq<br>sident with senior ma<br>ration, or any person<br>r PC | shareholder<br>REHOLDERS<br>uity interest<br>nagement respons<br>routinely performi<br><b>10% and g</b> | ng such functions for a corporation.<br>reater shareholders of a corporation |

## Part 2: Disclosure of Contributions by the business entity or any person or entity whose contributions are attributable to the business entity.

1. Report below all contributions solicited or made during the 4 years immediately preceding the commencement of negotiations or submission of a proposal to any:

Political organization organized under Section 527 of the Internal Revenue Code and which also meets the definition of a continuing political committee as defined in <u>N.J.S.A.</u> (See Information and Instructions form.)

2. Report below all contributions solicited or made during the 5 ½ years immediately preceding the commencement of negotiations or submission of a proposal to any:

Candidate Committee for or Election Fund of any Gubernatorial or Lieutenant Gubernatorial candidate State Political Party Committee County Political Party Committee

3. Report below all contributions solicited or made during the 18 months immediately preceding the commencement of negotiations or submission of a proposal to any:

Municipal Political Party Committee Legislative Leadership Committee

| Full Legal Name of Recipient<br>Address of Recipient |   |  |  |  |  |
|--|---|--|--|--|--|
| Date of Contribution                                 | Amount of Contribution  |  |  |  |  |
| Type of Contribution (i.e. currer                    | Type of Contribution (i.e. currency, check, loan, in-kind)                                  |  |  |  |  |
| Contributor Name                                     |   |  |  |  |  |
|  | e Vendor<br>pleted electronically, please attach additional contributions on separate page. |  |  |  |  |
| Remove Contribution                                  | Click the "Add a Contribution" tab to enter additional contributions.                       |  |  |  |  |
| Add a Contribution                                   |   |  |  |  |  |

Check this box only if no political contributions have been solicited or made by the business entity or any person or entity whose contributions are attributable to the business entity.

#### Part 3: Certification

- (A)  $\Box$  I am certifying on behalf of the business entity <u>and all</u> individuals and/or entities whose contributions are attributable to the business entity as listed on Page 1 under <u>Part 1: Vendor Information</u>
- (B) I am certifying on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity as listed on Page 1 under **Part 1: Vendor Information** except for the individuals and/or entities who are submitting separate Certification and Disclosure forms which are included with this submittal.
- (C) I am certifying on behalf of the business entity only; any remaining persons or entities whose contributions are attributable to the business entity (as listed on Page 1) have completed separate Certification and Disclosure forms which are included with this submittal.

(D)  $\Box$  I am certifying as an individual or entity whose contributions are attributable to the business entity.

I hereby certify as follows:

- **1.** I have read the Information and Instructions accompanying this form prior to completing the certification on behalf of the business entity.
- 2. All reportable contributions made by or attributable to the business entity have been listed above.

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3. The business entity has not knowingly solicited or made any contribution of money, pledge of contribution, including in-kind contributions, that would bar the award of a contract to the business entity unless otherwise disclosed above:

- a) Within the 18 months immediately preceding the commencement of negotiations or submission of a proposal for the contract or agreement to:
  - (i) A candidate committee or election fund of any candidate for the public office of Governor or Lieutenant Governor or to a campaign committee or election fund of holder of public office of Governor or Lieutenant Governor; OR
  - (ii) Any State, County or Municipal political party committee; OR
  - (iii)Any Legisative Leadership committee.

b) During the term of office of the current Governor or Lieutenant Governor to:

(i) A candidate committee or election fund of a holder of the public office of Governor or Lieutenant Governor;

OR

- (ii) Any State or County political party committee of the political party that nominated the sitting Governor or Lieutenant Governor in the last gubernatorial election.
- c) Within the 18 months immediately preceding the last day of the sitting Governor or Lieutenant Governor's first term of office to:
  - (i) A candidate committee or election fund of the incumbent Governor or Lieutenant Governor; OR
  - (ii) Any State or County political party committee of the political party that nominated the sitting Governor or Lieutenant Governor in the last gubernatorial election.

### 4. During the term of the contract/agreement the business entity has a continuing responsibility to report, by submitting a new Certification and Disclosure form, any contribution it solicits or makes to:

- (a) Any candidate committee or election fund of any candidate or holder of the public office of Governor or Lieutenant Governor; OR
- (b) Any State, County or Municipal political party committee; OR
- (c) Any Legislative Leadership committee.

The business entity further acknowledges that contributions solicited or made during the term of the contract/agreement may be determined to be a material breach of the contract/agreement.

5. During the two-year certification period the business entity will report any changes in its ownership structure (including the appointment of an officer within a corporation) by submitting a new Certification and Disclosure form indicating the new owner(s) and reporting said owner(s) contributions.

<u>I certify that the foregoing statements in Parts 1, 2 and 3 are true.</u> I am aware that if any of the statements are willfully false, I may be subject to punishment.

| Signed Name    | <br>Print Name |  |
|----------------|----------------|--|
|                |                |  |
| Title/Position | Date           |  |

#### **Procedure for Submitting Form(s)**

The contracting State Agency should submit this form to the Chapter 51 Review Unit when it has been required as part of a contracting process. The contracting State Agency should submit a copy of the completed and signed form(s), to the Chapter 51 Unit and retain the original for their records.

The business entity should return this form to the contracting State Agency. The business entity can submit this form directly to the Chapter 51 Review Unit only when it -

- · Is approaching its two-year certification expiration date and wishes to renew certification;
- · Had a change in its ownership structure; OR
- Made any contributions during the period in which its last two-year certification was in effect, or during the term of a contract with a State Agency.

Forms should be submitted either electronically to:<u>cd134@treas.nj.gov</u>, or regular mail at: Chapter 51 Review Unit, P.O. Box 230, 33 West State Street, Trenton, NJ 08625.

### PUBLIC LAW 2005 CHAPTER 271 Political

Vendor Certification and Contribution Disclosure Form

Contract Reference:

Vendor: \_\_\_\_\_

At least ten (10) days prior to entering into the above-referenced contract, the Vendor must complete this Certification and Disclosure Form, in accordance with the directions below and submit it to the State contact for such contract.

Please note that the disclosure requirements under Public Law 2005, Chapter 271 are separate and different from the disclosure requirements under Public Law 2005, Chapter 51 (formerly Executive Order 134). Although no vendor will be precluded from entering into a contract by any information submitted on this form, a vendor's failure to fully, accurately and truthfully complete this form and submit it to the appropriate State agency may result in the imposition of fines by the New Jersey Election Law Enforcement Commission.

### <u>Disclosure</u>

Following is the required Vendor disclosure of all Reportable Contributions made in the twelve (12) months prior to and including the date of signing of this Certification and Disclosure to: (i) any State, county, or municipal committee of a political party, legislative leadership committee, candidate committee of a candidate for, or holder of, a State elective office, or (ii) any entity that is also defined as a "continuing political committee" under N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.

The Vendor is required to disclose Reportable Contributions by: the Vendor itself; all persons or other business entities owning or controlling more than 10% of the profits of the Vendor or more than 10% of the stock of the Vendor, if the Vendor is a corporation for profit; a spouse or child living with a natural person that is a Vendor; all of the principals, partners, officers or directors of the Vendor and all of their spouses; any subsidiaries directly or indirectly controlled by the Vendor; and any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the Vendor, or political party committee.

"Reportable Contributions" are those contributions that are required to be reported by the recipient under the "New Jersey Campaign Contributions and Expenditures Reporting Act," P.L. 1973, c.83 (C.19:44A-1 et seq.), and implementing regulations set forth at <u>N.J.A.C.</u> 19:25-10.1 et seq. As of January 1, 2005, contributions in excess of \$300 during a reporting period are deemed "reportable."

### PUBLIC LAW 2005 CHAPTER 271

Vendor: \_\_\_\_\_

| Name and Address of Committee to Which Contribution Was Mac |                      | Amount of<br>Contribution | Contributor's Name     |
|---|----------------------|---------------------------|------------------------|
| Indicate " <u>none</u> " if no Reportable C                 | contributions were n | nade. Attach Addi         | tional Pages As Needed |
|   |                      | 1                         |                        |
|   |                      |                           |                        |

### Certification:

I certify as an officer or authorized representative of the Vendor that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

|    | Name of Vend | lor: |  |
|----|--------------|------|--|
| #2 | Signed:      |      |  |
|    | Print Name:  |      |  |
|    | Title:       |      |  |
|    | Date:        |      |  |
|    |              |      |  |

### INSTRUCTIONS FOR COMPLETING THE EMPLOYEE INFORMATION REPORT (FORM AA302)

**IMPORTANT:** READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORM. PRINT OR TYPE ALL INFORMATION. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM <u>AND TO</u> <u>SUBMIT THE REQUIRED \$150.00 NON-REFUNDABLE FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE</u>. IF YOU HAVE A CURRENT CERTIFICATE OF EMPLOYEE INFORMATION REPORT, DO NOT COMPLETE THIS FORM UNLESS YOUR ARE RENEWING A CERTIFICATE THAT IS DUE FOR EXPIRATION. DO NOT COMPLETE THIS FORM FOR CONSTRUCTION CONTRACT AWARDS.

**ITEM 1** - Enter the Federal Identification Number assigned by the Internal Revenue Service, or if a Federal Employer Identification Number has been applied for, or if your business is such that you have not or will not receive a Federal Employer Identification Number, enter the Social Security Number of the owner or of one partner, in the case of a partnership.

**ITEM 2** - Check the box appropriate to your TYPE OF BUSINESS. If you are engaged in more than one type of business check the predominate one. If you are a manufacturer deriving more than 50% of your receipts from your own retail outlets, check "Retail".

**ITEM 3** - Enter the total "number" of employees in the entire company, including part-time employees. This number shall include all facilities in the entire firm or corporation.

**ITEM 4** - Enter the name by which the company is identified. If there is more than one company name, enter the predominate one.

**ITEM 5** - Enter the physical location of the company. Include City, County, State and Zip Code.

**ITEM 6** - Enter the name of any parent or affiliated company including the City, County, State and Zip Code. If there is none, so indicate by entering "None" or N/A.

**ITEM 7** - Check the box appropriate to your type of company establishment. "Single-establishment Employer" shall include an employer whose business is conducted at only one physical location. "Multi-establishment Employer" shall include an employer whose business is conducted at more than one location.

**ITEM 8** - If "Multi-establishment" was entered in item 8, enter the number of establishments within the State of New Jersey.

**ITEM 9** - Enter the total number of employees at the establishment being awarded the contract.

**ITEM 10** - Enter the name of the Public Agency awarding the contract. Include City, County, State and Zip Code. This is not applicable if you are renewing a current Certificate.

**ITEM 11** - Enter the appropriate figures on all lines and in all columns. THIS SHALL ONLY INCLUDE EMPLOYMENT DATA FROM THE FACILITY THAT IS BEING AWARDED THE CONTRACT. DO NOT list the same employee in more than one job category. **DO NOT attach an EEO-1 Report**.

#### Racial/Ethnic Groups will be defined:

**Black:** Not of Hispanic origin. Persons having origin in any of the Black racial groups of Africa.

**Hispanic:** Persons of Mexican, Puerto Rican, Cuban, or Central or South American or other Spanish culture or origin, regardless of race.

American Indian or Alaskan Native: Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander: Persons having origin in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent or the Pacific Islands. This area includes for example, China, Japan, Korea, the Phillippine Islands and Samoa.

**Non-Minority:** Any Persons not identified in any of the aforementioned Racial/Ethnic Groups.

**ITEM 12** - Check the appropriate box. If the race or ethnic group information was not obtained by 1 or 2, specify by what other means this was done in 3.

**ITEM 13** - Enter the dates of the payroll period used to prepare the employment data presented in Item 12.

**ITEM 14** - If this is the first time an Employee Information Report has been submitted for this company, check block "Yes".

**ITEM 15** - If the answer to Item 15 is "No", enter the date when the last Employee Information Report was submitted by this company.

**ITEM 16** - Print or type the name of the person completing the form. Include the signature, title and date.

**ITEM 17** - Enter the physical location where the form is being completed. Include City, State, Zip Code and Phone Number.

#### TYPE OR PRINT IN SHARP BALL POINT PEN

THE VENDOR IS TO COMPLETE THE EMPLOYEE INFORMATION REPORT FORM (AA302) AND RETAIN A COPY FOR THE VENDOR'S OWN FILES. THE VENDOR SHOULD ALSO SUBMIT A COPY TO THE PUBLIC AGENCY AWARDING THE CONTRACT IF THIS IS YOUR FIRST REPORT; AND FORWARD ONE COPY <u>WITH A CHECK IN THE AMOUNT OF \$150.00 PAYABLE TO</u> THE TREASURER, STATE OF NEW JERSEY(FEE IS NON-REFUNDABLE) TO:

NJ Department of the Treasury Division of Purchase & Property Contract Compliance Audit Unit EEO Monitoring Program P.O. Box 206

Trenton, New Jersey 08625-0206

Telephone No. (609) 292-5473

#### EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) N.J.A.C. 17:27

#### GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

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

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

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

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

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

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

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

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

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

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

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

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

### **STATE OF NEW JERSEY**

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

#### EMPLOYEE INFORMATION REPORT

|  | CIAL SECU                   | UTY 2             | 2. TYPE OF I     |                              | TION A - CO                   |                  | IDENI        |                    |   | EMPLOYE       | ES IN THE          | ENTIRE                |      |
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| 4. COMPANY NAI                                   | ME                          |                   | L] 4. F          | RETAIL                       | 5. OTHER                      |                  |              |                    |   |               |                    |                       |      |
|  |                             |                   |                  |                              |                               |                  |              |                    |   |               |                    |                       |      |
| 5. STREET  |                             |                   | СП               | Υ                            |                               | COL              | JNTY         | ST.                | ATE   | ZIP C         | ODE                |                       |      |
| 5. NAME OF PAR                                   | ENT OR AFF                  | TILIATED          | COMPANY          | (IF NON                      | E, SO INDICAT                 | TE)              | СІТ          | Ϋ́                 | S   | ГАТЕ          | ZIP C              | ODE                   |      |
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| Official Use Only                                |                             | l t               | DATE RECEI       | VED II                       | NAUG.DATE                     |                  | ASS          | SIGNED C           | ERTIFICAT   | TON NUMB      | ER                 |                       |      |
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|  |                             |                   |                  | I                            | SECTION B -                   | EMPLO            | OYMENT       | DATA               |   |               |                    |                       |      |
| 1. Report all pern                               |                             |                   |                  |                              |                               |                  |              |                    |   |               |                    |                       |      |
| o employees in a p<br>N EEO-1 REPORT.            | articular categ             | gory, enter       | a zero. Includ   | e ALL er                     | nployees, not ju              | st those n       | 1 minority/i | non-mmori          | ity categorie   | s, in columns | 1, 2, & 3.         | DONOISU               | JBWH |
|  | ALL EMPLO                   |                   |                  |                              |                               |                  |              |                    |   | PLOYEE BRE    |                    | Charles and the state |      |
| JOB<br>CATEGORIES                                | COL. I<br>TOTAL             | COL, 2<br>MALE    | COL, 3<br>FEMALE |                              | ******* M                     | ALE****<br>AMER. | ********     | +++++++++<br>  NON | *******   | *****FEMAL    | E********<br>AMER. | ********              | NON  |
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| cials/ Managers                                  |                             |                   |                  | <b> </b>                     |                               |                  |              |                    |   |               |                    |                       |      |
| rofessionals                                     |                             |                   |                  |                              |                               |                  |              |                    |   |               |                    |                       |      |
| echnicians                                       |                             |                   |                  |                              |                               |                  |              |                    |   |               |                    |                       |      |
| ales Workers                                     |                             |                   | · ·              |                              |                               |                  |              |                    |   |               |                    |                       |      |
| Office & Clerical                                |                             |                   |                  |                              |                               |                  |              |                    |   |               |                    |                       |      |
| Craftworkers<br>Skilled)                         |                             |                   |                  |                              |                               |                  |              |                    |   |               |                    |                       |      |
| Operatives<br>Semi-skilled)                      |                             |                   |                  |                              |                               |                  |              |                    |   |               |                    |                       |      |
| .aborers<br>Unskilled)                           |                             |                   |                  |                              |                               |                  |              |                    |   |               |                    |                       |      |
| ervice Workers                                   |                             |                   |                  |                              |                               |                  |              |                    |   |               |                    |                       |      |
| FOTAL  |                             |                   |                  |                              |                               |                  |              |                    |   |               |                    |                       |      |
| al employment<br>rom previous<br>leport (if any) |                             |                   |                  |                              |                               |                  |              |                    |   |               |                    |                       |      |
| nporary & Part-<br>Time Employees                |                             | Tl                | ne data below    | v shall t                    | NOT be includ                 | led in th        | ne figures   | s for the          | appropria   | te categori   | es above.          |                       |      |
|  |                             |                   | 1                | <b>[</b>                     |                               |                  |              |                    |   |               |                    |                       |      |
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### State of New Jersey Division of Purchase & Property Delegated Purchasing Authority Terms and Conditions

The following terms and conditions shall apply to all contracts or purchase agreements made with the State of New Jersey.

For agency purchase orders issued against term contracts, additional provisions shall apply in accordance with the provision of the agreement between the State of New Jersey and the Contractor.

#### 1. STATE LAW REQUIRING MANDATORY COMPLIANCE BY ALL CONTRACTORS

1.1 CORPORATE AUTHORITY- It is required that all corporations be registered with the Office of the Secretary of the State prior to conducting business in the State of New Jersey.

1.2 ANTI-DISCRIMINATION- All parties to any contract with the State of New Jersey agree not to discriminate in employment and agree to abide by all anti-discrimination laws including those contained within N.J.<u>S.A.</u> 10:2-1 through 10:2-4, N.J.<u>S.A.</u> 10:4-1 et seq. and N.J.S.A. 10:5-31 through 10:5-38, and all rules and regulations issued thereunder.

1.3 PREVAILING WAGE ACT- The New Jersey Prevailing Wage Act, N.J.<u>S.A.</u> 34:11-56-26 et seq., is hereby made a part of every contract entered into on behalf of the State of New Jersey through the Division of Purchase and Property, except those contracts which are not within the contemplation of the Act. The bidder's signature on this proposal is his guarantee that neither he nor any subcontractors he might employ to perform the work covered by this proposal has been suspended or debarred by the Commissioner, Department of Labor for violation of the Prevailing Wage Act.

1.4 THE WORKER AND COMMUNITY RIGHT TO KNOW ACT- The provisions of N.J.S.A. 34:5A-1 et seq. which require the labeling of all containers of hazardous substances are applicable to this contract. Therefore, all goods offered for purchase to the State must be labeled by the contractor in compliance with the provisions of the Act.

1.5 OWNERSHIP DISCLOSURE- Contracts for any work, goods or services cannot be issued to any corporation or partnership unless prior to or at the time of bid submission the bidder has disclosed the names and addresses of all its owners holding 10% or more of the corporation's or partnership's stock or interest. Refer to N.J.S.A. 52:25-24.2.

1.6 COMPLIANCE: LAWS- The contractor must comply with all local, state and federal laws, rules and regulations applicable to this contract and to the goods delivered and/or services performed hereunder.

1.7 COMPLIANCE: STATE LAWS -It is agreed and understood that any contracts and/or orders placed as a result of this proposal shall be governed and construed and the rights and obligations of the parties hereto shall be determined in accordance with the laws of the STATE OF NEW JERSEY.

1.8 COMPLIANCE: CODES- The contractor musty comply with NJUCC and the latest NEC70, B.O.C.A. Basic Building Code, OSHA and all applicable codes for this requirement. The successful vendor will be responsible for securing and paying for all necessary permits, where applicable.

#### 2. LIABILITIES

2.1 LIABILITIES- COPYRIGHT- The contractor shall hold and save the State of New Jersey, its officers, agents, servants and employees, harmless from liability of any nature or kind of or on account of the use of any copyrighted or uncopyrighted composition, secret process, patented or unpatented invention, article or appliance furnished or used in the performance of this contract.

2.2 INDEMNIFICATION- The contractor shall assume all risk of and responsibility for, and agrees to indemnify, defend and save harmless the State of New Jersey and its employees from and against any and all claims, demands, suites, actions, recoveries, judgment and costs and expenses in connection therewith on account of the loss of life, property or injury or damage to the person, body or property of any person or persons whatsoever, which shall arise from or result directly or indirectly from the work and/or materials supplied under this contract. This indemnification obligation is not limited by, but is in addition to, the insurance obligations contained in this agreement.

2.3 INSURANCE- The contractor shall secure and maintain in force for the term of the contract liability insurance as provided herein. The contractor shall provide the State of New Jersey with current certificates of insurance for all coverage's and renewals thereof which must contain the provision that the insurance provided in the certificate shall not be canceled for any reason except after thirty days written notice.

The insurance to be provided by the contractor shall be as follows:

a. General liability policy as broad as the standard coverage forms currently in use in the State of New Jersey shall not

- be circumscribed by any endorsements limiting the breadth of coverage. The policy shall be endorsed to include:
  - Broad Form Comprehensive General Liability
- 2. Products / Completed Operations
- 3. Premises / Operations

### State of New Jersey Division of Purchase & Property Delegated Purchasing Authority Terms and Conditions

The limits of liability for bodily injury and property damage shall not be less than \$1 million per occurrence as a combined single limit.

b. Automobile liability insurance which shall be written to cover any automobile used by the insured. Limited of liability for

bodily injury and property damage shall not be less than \$1 million per occurrence. As a combines single limit. Worker's Compensation Insurance applicable to the laws of the State of New Jersey and Employer's Liability

 c. Worker's Compensation Insurance applicable to the laws of the State of New Jersey and Employer's Lia Insurance with limits of not less than:
 \$100,000 Bodily Injury, Each Occurrence
 \$100,000 Disease Each Employee
 \$500,000 Disease aggregate Limit

#### 3. TERMS GOVERNING ALL PROPOSALS TO NEW JERSEY PROCUREMENT BUREAU

3.1 SUBCONTRACTING OR ASSIGNMENT- The contract may not be subcontracted or assigned by the contractor, in whole or in part, without the prior written consent of the Director of the Division of Purchase and Property. Such consent, if granted, shall not relieve the contractor of any of his responsibilities under the contract.

Nothing contained in the specifications shall be construed as creating a contractual relationship between any subcontractor and the State.

3.2 PERFORMANCE GUARANTEE OF BIDDER- The bidder hereby certifies that:

a. The equipment offered is standard new equipment, and is the manufacturer's latest model in production with parts regularly used for the type of equipment offered; that such parts are all in production and not likely to be discontinued; and that no attachment or part has been substituted or applied contrary to manufacturer's recommendations and standard practice. b. All equipment supplied to the State and operated by electrical current is UL listed where applicable.

c. All new machines are to be guaranteed as fully operational for the period stated from time of written acceptance by the State. The bidder will render prompt service without charge, regardless of geographic location.

d. Sufficient quantities of parts necessary for proper service to equipment will be maintained at distribution points and service headquarters.

e. Trained mechanics are regularly employed to make repairs to equipment in the territory from which the service request might emanate within a 48 hour period or within the time accepted as industry practice.

f. During the warranty period, the contractor shall replace immediately any material which is rejected for failure to meet the requirements of the contract.

g. All services rendered to the State shall be performed in strict and full accordance with the specifications stated in the contract. The contract shall not be considered complete until final approval by the State's Using Agency is rendered.

3.3 DELIVERY GUARANTEES- Deliveries shall be made at such time and in such quantities as ordered in strict accordance with conditions contained in the specifications.

The contractor shall be responsible for the delivery of material in first class condition to the State's Using Agency or the purchase under this contract, and in accordance with good commercial practice.

Items delivered must be strictly in accordance with the specifications.

In the event delivery of goods or services is not made within the number of days stipulated or under the schedule defined in the specifications, the Using Agency may be authorized to obtain the material or service from any available source, the difference in price, if any, to be paid by the contractor failing to meet his commitments.

3.4 STATE'S RIGHT TO INSPECT CONTRACTOR'S FACILITIES -The State reserves the right to inspect the contractor's establishment.

3.5 MAINTENANCE OF RECORDS- The contractor shall maintain records for products and/or service delivered against the contract for a period of three (3) years from the date of final payment. Such records shall be made available to the State upon request.

#### 4. TERMS RELATING TO PRICE QUOTATIONS

4.1 PRICE FLUCTUATIONS DURING CONTRACT- All prices shall be firm through issuance of contract purchase order and shall not be subject to increase during the period of the contract.

4.2 DELIVERY COSTS- Unless otherwise noted in this purchase order, all prices for items are to be F.O.B. Destination. Regardless of the methods of quoting shipment, the contractor shall assume all liability and responsibility for the delivery of merchandise in good condition to the State' Using Agency or designated purchaser.

### State of New Jersey Division of Purchase & Property Delegated Purchasing Authority Terms and Conditions

F.O.B. Destination does not cover "spotting" but does include delivery on the receiving platform of the ordering agency at any destination in the State of New Jersey unless otherwise specified. No additional charges will be allowed for any transportation costs resulting from partial shipments made at the contractor's convenience when a single shipment is ordered. The weights and measures of the State's Using Agency receiving the shipment shall govern.

4.3 C.O.D TERMS - C.O.D. terms are not acceptable.

4.4 TAX CHARGES – The State of New Jersey is exempt from State sales or use taxes and Federal excise taxes. Therefore, they must not be included in the invoice. The State's Federal Excise Tax Exemption Number is 22-75-0050k.

4.5 PAYMENT TO VENDORS – Payment for goods and/or services purchased by the State will only be made against State Payment Vouchers. The State Payment Voucher in duplicate together with original Bill of Lading, express receipt and other related papers must be sent to the consignee on the date of each delivery.

4.6 NEW JERSEY PROMPT PAYMENT ACT – The New Jersey Prompt Payment Act (P.L.1987, c. 184) requires state agencies to pay for goods and services within sixty (60) days of the agency's receipt of a properly executed State Payment Voucher or within sixty (60) days of receipt and acceptance of goods and services, whichever is later.

#### 5. CASH DEPOSITS

a. A discount period shall commence on the day the State Using Agency received a properly signed and executed State Payment Voucher for products and services that have been duly accepted by the State Using Agency in accordance with the terms, conditions and specifications of the Contract/Purchase Order. If the State Payment Voucher is received prior to the delivery of the goods and services, the discount period begins with the acceptance of goods and services, whichever is later.

b. The date on the check issued by the State in payment of that State Payment Voucher shall be deemed the date o the State's responses to that Voucher.

6. STANDARDS PROHIBITING CONFLICTS OF INTEREST – The following prohibition on vendor activities shall apply to all contracts or purchase agreements made with the State of New Jersey, pursuant to Executive Order No. 189 (1988).

a. No vendor shall pay, or agree to pay, either directly or indirectly any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defines by <u>N.J.S.A.</u> 52-13D-13b and e, in Department of the Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by <u>N.J.S.A.</u> 52-13D-13i, of any such officer or employee, or any partnership, firm or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of <u>N.J.S.A.</u> 52-13D-13g.

b. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.

c. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationships with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State office or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of <u>N.J.S.A.</u> 52:13D-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

d. No vendor shall influence, or attempt to cause or influence, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment or said officer or employee.

e. No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the vendor or any other person.

f. The provisions cited above in paragraph 6a. shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate under paragraph 6c.

### NOTICE TO ALL BIDDERS SET-OFF FOR STATE TAX

Please be advised that, pursuant to <u>P.L.</u> 1995, <u>c.</u>159, effective January 1, 1996, and notwithstanding any provision of the law to the contrary, whenever any taxpayer, partnership or S corporation under contract to provide goods or services or construction projects to the State of New Jersey or its agencies or instrumentalities, including the legislative and judicial branches of State government, is entitled to payment for those goods or services at the same time a taxpayer, partner or shareholder of that entity is indebted for any State tax, the Director of the Division of Taxation shall seek to set off that taxpayer's or shareholder's share of the payment due the taxpayer, partnership or S corporation. The amount set off shall not allow for the deduction of any expenses or other deductions which might be attributable to the taxpayer, partner or shareholder subject to set-off under this act.

The Director of the Division of Taxation shall give notice of the set-off to the taxpayer and provide an opportunity for a hearing within 30 days of such notice under the procedures for protests established under <u>R.S.</u> 54:49-18. No requests for conference, protest, or subsequent appeal to the Tax Court from any protest under this section shall stay the collection of the indebtedness. Interest that may be payable by the State, pursuant to <u>P.L.</u> 1987, <u>c.</u> 184 (c. 52:32-32 <u>et seq</u>.), to the taxpayer shall be stayed.

| СОМРАНУ   |       |
|-----------|-------|
| SIGNATURE |       |
| NAME      | NAME  |
| TITLE     | TITLE |
| DATE      | DATE  |

#### "I HAVE BEEN ADVISED OF THIS NOTICE"