



CITY OF PERTH AMBOY

**REQUEST FOR QUALIFICATIONS FOR
ENGINEERING SERVICES
For the Zoning Board of Adjustment**

City of Perth Amboy

SUBMISSION DEADLINE

Tuesday March 12th, 2019

10:00 A.M.

ADDRESS ALL PROPOSALS TO:

**DEPARTMENT OF ADMINISTRATION
CITY HALL, 260 HIGH STREET
PERTH AMBOY, NEW JERSEY 08861**

ATTN: GARY A.MUSKA, PURCHASING AGENT

Notice
Fair and Open Procurement Process

In accordance with N.J.S.A. 40A:11-2(6), the **City of Perth Amboy (the “City”)**, County of Middlesex, a municipal corporation of the State of New Jersey, has instituted a policy to negotiate agreement for professional services on the basis of demonstrated competence and qualification for the type of professional service required by the City. The **City of Perth Amboy** will require services for the following Professional Service for the remainder of 2019:

Engineer for the Zoning Board of Adjustment

Copies of the Requests for Proposal for the above position may be obtained on February 26, 2019 from Gary A. Muska, Purchasing Agent, 260 High Street, Perth Amboy, New Jersey 08861, (732) 826-0290 between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday, or can be downloaded from the City’s website: www.co.perthamboy.nj.us

These requests for proposals are being solicited through fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq. Sealed responses to the request are required to be submitted to the City of Perth Amboy, Division of Purchasing, City Hall, 260 High Street, Perth Amboy, New Jersey 08861 no later than **10:00 a.m. on March 12th, 2019**. The envelope containing the proposal shall be plainly marked on the outside of the sealed envelope to show the services for which the proposal is submitted. At the designated time and place for the receipt of proposals; the Business Administrator will publicly open and read the name for all of the responses received. All contracts pursuant to the fair and open process will be awarded by a majority vote of the City Council at a public meeting. Persons awarded a contract under these procedures are required to comply with the requirements for Business Entity Disclosure Certification, Equal Employment Opportunity laws and regulations, Americans with Disabilities Act of 1990, P.L. 2004, C19, “The New Jersey Local Unit Pay-to Play law (N.J.S.A. 19:44A-20.4 et seq).and New Jersey Campaign Contributions and Expenditure Reporting Act. (N.J.S.A. 19:44-1 et seq.). Further information as to these requirements is contained in the proposed packets available in the Administrator’s Office.

Persons interested shall submit to the City such information as is required in the Request for Proposals.

Gary A. Muska, QPA, RPPO
Purchasing Agent
City of Perth Amboy
260 High Street
Perth Amboy, New Jersey 08861
Telephone: (732) 826-0290 Ext. 4010
Facsimile: (732) 826-4205

General Information

ORGANIZATION REQUESTING PROPOSAL

CITY OF PERTH AMBOY
260 HIGH STREET
PERTH AMBOY, NJ 08861

CONTACT PERSON

GARY A. MUSKA
PURCHASING AGENT
PURCHASING DEPARTMENT
(732) 826-0290 EXT 4010

PURPOSE OF REQUEST

The City of Perth Amboy is requesting qualifications from qualified individuals and firms (“contractor(s)” or “proposer(s)”) to provide professional engineering services as City Engineer, including Planning and Zoning Board engineering, land surveying, tax map maintenance, construction design, inspection and management services for special projects and water and sewer system operation and maintenance. Qualifications will be evaluated in accordance with the criteria set forth in this RFQ. Individuals/firms may submit qualifications for any or all services. One or more individuals/firms may be selected to provide services.

PERIOD OF CONTRACT

Resolution approval date through December 31, 2019.

CONTRACT FORM

The successful proposer shall be required to execute the City’s form contract, which includes the indemnification, insurance, termination and licensing provisions and certification of compliance with the City Code of Public Contracting. (ORD 1427-2008 available on the city web site, www.ci.perthamboy.nj.us)

It is also agreed and understood that the acceptance of the final payment by Contractor shall be considered a release in full of all claims against the City arising out of, or by reason of, the work done and materials furnished under any Contract Awarded.

1. CITY OF PERTH AMBOY FACTS AND FIGURES – The City of Perth Amboy is a municipal government entity. The City was founded in 1683, and chartered in 1718 and operates pursuant to N.J.S.A. 40A:61-1 et seq.

The City’s population is approximately 50,814 and it consists of approximately 4.7 square miles of area. The City employs approximately 412 people in about 18 departments and agencies. It owns various municipal buildings, parks and recreation facilities.

The City’s operating and utility budget is approximately \$80,000,000. It provides significant and diverse services to its residents, including those in the senior, disabled, veterans and other communities.

2. NATURE/ SCOPE OF SERVICES – The City of Perth Amboy is requesting qualifications from Engineering Firms to provide services as Engineer, for the Zoning Board of Adjustment.

A. The Engineering Firms may submit Qualifications and schedule of fees to provide any or all of the following services:

1. Review of applications for development, to include site plans and subdivisions and assist the City Zoning Board of Adjustment in reviewing these applications;
2. Construction inspection of improvements of applicants before the Board of Adjustment.
3. The Zoning Board of Adjustment meet monthly and/or Special Meetings is mandated that the Engineer or a Representative of the Firm attend.
4. All payments made to the Engineer are only paid through the Escrow accounts of the applicants before the Zoning Board of Adjustment.

3. STANDARD REQUIREMENTS OF TECHNICAL PROPOSAL - Proposers should submit a technical proposal which contains the following:

- A. The name of the proposer , the principal place of business and, if different, the place where the services will provided;
- B. Proposer must have a minimum of five (5) years of experience in as a registered Engineer and a minimum of one (1) year servicing other governmental entities;
- C. The education, qualifications, experience, and training of all persons who would be assigned to provide services along with their names and tittles. The proposer **MUST** be a registered in the State of New Jersey;
- D. A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other City governments and other levels of government. Contact information for the recipients of the similar services must be provided. The City may obtain references from any of the parties listed;

- E. A statement that neither the firm nor any individuals assigned to this engagement are disbarred, suspended, or otherwise prohibited from professional practice by any federal, state, or local agency;
- F. An Affirmative Action Statement (copy of form attached);
- G. A completed Non-Collusion Affidavit (copy of form attached);
- H. A statement that the proposer will comply with the General Terms and Conditions required by the City and enter into the City's standard Professional Services Contract.
- I. A copy of the Proposer's Business Registration Certificate.

4. **COST PROPOSAL** – Proposers should submit a cost proposal which could include any proposed retainer and, if a retainer is proposed, the services to be provided for the retainer. Also the billing rates of individuals or categories of individuals for any services billed at hourly rates shall be included. The City does not provide payment for or reimbursement for travel expenses.

5. **PROPOSAL EVALUATION** – The City will select the most advantageous proposal(s) and will make the award(s) in the best interest of the City.

Each proposal must satisfy the objectives and requirements detailed in this RFQ. The successful proposer shall be determined by an evaluation of the total content of the proposal submitted. The City reserves the right to:

- a. Not select any of the proposals;
- b. Select and award only portions of a particular proposer's proposal (Proposers may specify portions of the proposal that they consider "bundled." Proposers may submit qualifications for only certain services.)
- c. Award a contract for the requested services at any time within the following 12 months after review of the Qualifications and approval of them by the City. Every proposal should be valid through this time period.

The City shall not be obligated to explain the results of the evaluation process to any proposer.

6. **PROPOSAL LIMITATIONS** - This RFQ is not intended to be an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the City by issuance of this RFQ. The City reserves the right at the City's sole discretion to refuse any proposal submitted.

7. **USE OF INFORMATION** - Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like ("Information") furnished or disclosed by the City to the proposer in connection with this RFQ shall remain the property of the City. When in tangible form, all copies of such information shall be returned to the City upon request. Unless such information was previously known to the proposer, free of any obligation to keep it confidential, or has been or is subsequently made public by the City or a third party, it shall be held in confidence by the proposer, shall be used only for the purposes of this RFQ, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

8. **GENERAL TERMS AND CONDITIONS** –

- A. The City reserves the right to reject any or all proposals, if necessary, or to waive any informalities in the proposals, and, unless otherwise specified by the proposer, to accept any item, items or services in the proposals should it be deemed in the best interest of the City to do so.
- B. In case of failure by the successful proposer, the City of Perth Amboy may procure the articles or services from other sources, deduct the cost of the replacement from money due to the proposer under the contract and hold the proposer responsible for any excess cost occasioned thereby.
- C. The proposer shall maintain sufficient insurance to protect against all claims under Workmen's Compensation, General, Professional and Automobile Liability.
- D. Each proposal must be signed by the person authorized to do so.
- E. The contract shall be in effect through December 31, 2019 unless otherwise stated.
- F. Proposals may be hand delivered or mailed consistent with the provisions of the legal notice to proposers. In the case of mailed proposals, the City assumes no responsibility for proposals received after the designated date and time and will return late proposals unopened. Proposals will not be accepted by facsimile or e-mail.
- G. In accordance with Affirmative Action Law, P.L. 1975, c.127 (N.J.A.C. 17:27) with implementation of July 10, 1978, successful proposers must agree to submit individual employer certifications and numbers or complete Affirmative Action employee information report (form AA-302). Also, during the performance of this contract, the contractor agrees as follows: (a) The contractor or subcontractor where applicable, will not discriminate against any employee because of age, race, creed, color, national origin, ancestry, marital status or affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex or handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and section for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the Public Agency Compliance Officer setting forth provisions of this non-discrimination clause: (b) 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, sex or handicap; (c) the contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or worker's representative of the contractor's commitments under this act and shall post copies of the notice; (d) the contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the treasurer pursuant to the P.L. 1975, c.127, as amended and supplemented from time to time.
- H. By submission of the proposal, the proposer certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and the successful proposer shall, at its expense, defend any and all actions or suits charging such infringement, and will save the City harmless in any case of any such infringement.
- I. No proposer shall influence, or attempt to influence, or cause to be influenced, any City officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

- J. No proposer shall cause or influence, or attempt to cause or influence, any City officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the proposer or any other person.
- K. Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the City's Law Department decision shall be final and conclusive.
- L. The City of Perth Amboy shall not be responsible for any expenditure of monies or other expenses incurred by the proposer in making its proposal.
- M. The checklist, affidavits, notices and the like presented at the end of this Request for Qualifications are a part of this Request for Qualifications and shall be completed and submitted as part of this proposal.

Submit One (1) original and One (1) copy of all materials in a sealed envelope **with the name of the professional service listed on the envelope** and the word **“CONFIDENTIAL”** clearly marked on the outside of the envelope **(Along with a copy of the submission on a flash drive in Word format)** and addressed to: Frederick C. Carr, Business Administrator - City of Perth Amboy, 260 High Street, Perth Amboy, New Jersey 08861 to be received no later than **March 12th, 2019.**

The City of Perth Amboy shall authorize the use of professional services from the applicant that best meets the needs of the City, but reserves the right to not select from any of the proposals submitted. The City reserves the right to reject any or all proposals, if necessary, or to waive any informalities in the proposals, and, unless otherwise specified by the proposer, to accept any item, items or services in the proposals should it be deemed in the best interest of the City to do so.

Contracts subject to the fair and open process delineated herein are subject to additional requirements, and any other applicable laws including, but not limited to the Local Public Contracts Law.

END OF GENERAL INSTRUCTION

BASIS OF AWARD
(To be completed by City evaluation committee)

EVALUATION FACTORS

The City is using the competitive contracting method for this procurement. An award, if made, shall be made to the most qualified organization or individuals whose proposal is most advantageous to the CITY OF PERTH AMBOY, taking into consideration one's background in the area of engineering services, quality of proposal, pricing, and other factors set forth in this request for Qualifications. Proposals will be evaluated by the several members of the City's Administration, which shall recommend the award of a contract based upon mandates and qualifications. Should negotiations fail, the City will negotiate with other highly ranked organizations.

Organizations shall be ranked on the following:

A. Relevance and Extent of Qualifications, Experience, Reputation and Training

of Personnel to be assigned (maximum 15 points)

B. Knowledge of the City of Perth Amboy and the subject matter to be addressed

under this engagement (maximum 15 points)

C. Similar Experience (maximum 20 points)

D. References from communities already served (maximum 15 points)

E. Technical Proposal contains all required information (maximum 20 points)

F. Cost of providing services at a fair cost to the City (maximum 15 points)

**ALL OF THE
FOLLOWING
DOCUMENTS
MUST BE
INCLUDED
WITH
PROPOSAL**

CITY OF PERTH AMBOY
CHECKLIST

ENGINEERING SERVICES PROPOSAL - SUBMISSION DATE: March 12, 2019

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

**A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS
CAUSE FOR REFUSAL.**

INITIAL BELOW LEFT

- Attachment A** (Mandatory Equal Employment Opportunity Notice Acknowledgement)... _____
- Attachment B** (Americans with Disabilities Act of 1990) _____
- Attachment C** (Business Entity Disclosure - Certification) _____
- Attachment D** (Business Entity Disclosure – Statute)..... _____
- Attachment E** (Business Entity Disclosure - City Code 1479- 2009)..... _____
- Attachment F** (Business Entity Disclosure - City Code 1739- 2014)... _____
- Attachment G** (Statement of ownership disclosure) _____
- Attachment H** (Insurance Requirement Acknowledgement Form)..... _____
- Attachment I** (Letter of Intent)..... _____
- Attachment J** (Disclosure of Investments Activities in Iran)..... _____

Note: N.J.S.A 52:32-44 provides that the City shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors at the time that it submits its proposal. The contracting party must also collect the state use tax where applicable.

THE UNDERSIGNED HEREBY ACKNOWLEDGES
THE ABOVE LISTED REQUIREMENTS.

NAME OF PROPOSER:

Person, Firm or Corporation

By: _____ (Name) _____ (Title)

ATTACHMENT 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 AND GENERAL SERVICES 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 these 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 undersigned agrees that the foregoing ATTACHMENT A – Mandatory Equal Employment Opportunity Language, shall be part of any professional services contract awarded hereunder.

Name of Engineering Services Member: _____

Signature: _____ Date: _____

Title: _____

REQUIRED AFFIRMATIVE ACTION EVIDENCE: The Provisions of Chapter 127, Public Laws of 1975, (N.J.A.C. 17-27) are applicable to this contract. All successful vendors must submit within seven (7) days of the notice of intent to award or the signing of the contract, one of the following:

- 1. A photocopy of their Federal Letter of Affirmative Action Plan Approval**
- 2. A photocopy of their Certificate of Employee Information Report or**
- 3. A completed Affirmative Action Employee Information Report (AA302).**

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

The contractor and the _____ of _____, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (*42 U.S.C. 5121 01 et seq.*), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim, If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

ATTACHMENT C
CITY OF PERTH AMBOY
BUSINESS ENTITY DISCLOSURE CERTIFICATION FOR FAIR AND
OPEN CONTRACTS REQUIRED PURSUANT TO N.J.S.A. 19:44A-20.8

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the <name of business entity> has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding (date of award scheduled for approval of the contract by the governing body) to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the <name of entity of elected officials> as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Part II – Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 4% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

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

Name of Stock or Shareholder	Home Address	% Own

Part 3 – Signature and Attestation:

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

Name of Business Entity: _____

Signature of Affiant: _____ Title: _____

Subscribed and sworn before me this _____ day of _____, 2018.	
(Witnessed or Attested by): _____	My commission expires: _____
Printed Name of Affiant: _____	Date: _____

ATTACHMENT D
CITY OF PERTH AMBOY
BUSINESS ENTITY DISCLOSURE CERTIFICATION FOR FAIR AND OPEN CONTRACTS
REQUIRED PURSUANT TO N.J.S.A. 19:44A-20.8

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form. **“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)**

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

“business entity” 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 this State or of any other state or foreign jurisdiction; “Interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

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**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too expensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:* “The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

**ATTACHMENT E**  
**CITY OF PERTH AMBOY**  
**PROFESSIONAL BUSINESS ENTITY CERTIFICATION COMPLIANCE WITH**  
**CITY'S CODE OF PUBLIC CONTRACTING ORDINANCE**  
**(1479-2009)**

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Name of Professional Business Entity Contractor

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Address

I \_\_\_\_\_, full of age, certify as follows:

1. I am an authorized representative of the above named Professional Business Entity.
2. I have read the attached Perth Amboy City Ordinance 1479-2009. An Ordinance limiting Contributions by Public Contractors.
3. I have read and understand the definition of "Professional Business Entity" as set forth in paragraph 1(c) of said ordinance.
4. Pursuant to section 2 of the ordinance, I hereby certify under penalty of perjury that the above named "Professional Business Entity" has not made a contribution in violation of the ordinance.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subjects to punishment.

---

Signature

---

Type or Print Name

---

Title

---

Date



# AN ORDINANCE LIMITING CONTRIBUTIONS BY PUBLIC CONTRACTORS

(Amended 9-23-2009 by Ord. No. 1479-2009)

## 98-1. Prohibition on awarding public contracts to certain contributors.

- A. To the extent that it is not inconsistent with state or federal law, the City of Perth Amboy and any of its purchasing agents or departments or instrumentalities of the municipality thereof, as the case may be, shall not enter into any agreement or otherwise contract to procure services from any professional business entity, including those awarded pursuant to any process including a fair and open process, if such professional business entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to (i) a campaign committee of any Perth Amboy municipal candidate or holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Perth Amboy or Middlesex County party committee, or (iii) to any political action committee (PAC) that regularly engages in the support of Perth Amboy or Middlesex County elections and/or municipal or county parties, in excess of the thresholds specified in subsection (d) within one (1) calendar year immediately preceding the date of the contract or agreement. A business entity that is awarded a contract by the city may not make any such contribution during the term of the contract and for twelve calendar months thereafter.
- B. No professional business entity or vendor who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement (including non-emergency contracts awarded by N.J.S.A. 40A:11 et seq. or the "Fair and Open" Process pursuant to N.J.S.A. 19:44A-20 et seq.) with the municipality or any departments thereof, for the rendition of professional services, or goods and services, as the case may be, shall knowingly solicit or make any contribution of money, pledge of contribution, including in-kind contributions, to: (i) any Perth Amboy candidate or holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Perth Amboy or Middlesex County party committee, or (iii) to any PAC that regularly engages in the support of Perth Amboy or Middlesex County elections and/or municipal or County parties, between the time of first communication between that professional business entity or vendor and the municipality regarding a specific professional services agreement or goods and services agreement, as the case may be, and the later of the termination of negotiations or rejection of any proposal, or the completion of the contract or agreement.
- C. For purposes of this Article, a "professional business entity" and a "vendor" seeking a public contract means an individual including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity and vendor includes all principals who own ten percent (10%) or more of the equity in the corporation or business trust, partners, and officers (in the aggregate) employed by the entity or vendor, as well as any subsidiaries directly controlled by the business entity or vendor.
- D. Any individual meeting the definition of "professional business entity" or "vendor" under this section may annually contribute a maximum of three hundred dollars (\$300.) each for any purpose to any candidate for mayor or governing body, or three hundred dollars (\$300.) to the City of Perth Amboy party or five hundred dollars (\$500.) to the Middlesex County party committee or to a PAC referenced in this ordinance, without violating subsection (a) of this section. However, any group of individuals meeting the definition of "professional business entity" or "vendor" under this section, including such principals, partners, and officers of the entity or vendor in the aggregate, may not annually contribute for any purpose in excess of two thousand five hundred dollars (\$2,500.) to all City of Perth Amboy candidates and officeholders with ultimate responsibility for the award of the contract, and all City of Perth Amboy or Middlesex County political parties and PACs referenced in this ordinance combined, without violating Subsection A. of this section.
- E. For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
  - (1) The Mayor or Governing Body of Perth Amboy, if the contract requires approval or appropriation from the Mayor or Governing Body.
  - (2) The Mayor of the City of Perth Amboy, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

**§ 98-2. Contributions made prior to the effective date of this Article.**

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity or vendor to any City of Perth Amboy candidate for Mayor or Governing Body, or City of Perth Amboy or Middlesex County party committee or PAC referenced in this Article shall be deemed a violation of this Article, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity or vendor prior to the effective date of this Article.<sup>1</sup>

<sup>1</sup>Editor's Note: This Article was originally adopted June 25, 2008 as Ordinance No. 1479-2009 and was amended in its entirety September 23, 2009 by Ord. No. 1479-2009.

**§ 98-3. Contribution statement by professional business entity and vendor.**

- A. Prior to awarding any contract or agreement to procure services with any professional business entity and any contract or agreement to procure goods and services from a vendor with a value of seventeen thousand five hundred dollars (\$17,500.) or more, the City of Perth Amboy or its purchasing agents and departments, as the case may be, shall receive a sworn statement from the professional business entity or vendor, made under penalty of perjury, that the bidder or offer or has not made a contribution in violation of Section 98-1 of this Article.
- B. The professional business entity and vendor shall have a continuing duty to report any violations of this Article that may occur during the negotiation, proposal process or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the City of Perth Amboy, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

**§ 98-4. Return of excess contributions.**

A professional business entity, vendor, or municipal candidate or officeholder, or City of Perth Amboy or Middlesex County party committee or PAC referenced in this Article, may cure a violation of Section 98-1 of this Article, if, within 4 days after the date on which the applicable ELEC Report is published, the professional business entity or vendor notifies the municipality in writing and seeks and receives reimbursement of the contribution from the relevant municipal candidate or officeholder, City of Perth Amboy or Middlesex County political party or PAC referenced in this Article.

**§ 98-5. Exemptions.**

The contribution limitations prior to entering into a contract in Section 98-1A do not apply to contracts which are required by law to be awarded to the lowest bidder.

**§ 98-6. Breach and penalty.**

- A. It shall be a breach of the terms of the City of Perth Amboy professional service agreement or agreement for goods or services for a business entity to: (i) make or solicit a contribution in violation of this Article; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of City of Perth Amboy; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this ordinance; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of this Article; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this ordinance. The city may exercise any and all rights and remedies available to it under the agreement and at law in the event of breach.
- B. Furthermore, any professional business entity who violates Section 98-6A (ii–vii) shall be disqualified from eligibility for future City of Perth Amboy contracts for a period of four (4) calendar years from the date of the violation.

**ATTACHMENT F**

**CITY OF PERTH AMBOY  
PROFESSIONAL BUSINESS ENTITY CERTIFICATION  
COMPLIANCE WITH CITY'S CODE OF PUBLIC CONTRACTING ORDINANCE  
(1739-2014)**

\_\_\_\_\_  
Name of Professional Business Entity Contractor

\_\_\_\_\_  
Address

I \_\_\_\_\_, full of age, certify as follows:

1. I am an authorized representative of the above named Professional Business Entity.
2. I have read the attached Perth Amboy City Ordinance 1739-2014. An Ordinance limiting Contributions by Public Contractors.
3. I have read and understand the definition of "Professional Business Entity" as set forth in paragraph 1(c) of said Ordinance.
4. Pursuant to section 2 of the ordinance, I hereby certify under penalty of perjury that the above named "Professional Business Entity" has not made a contribution in violation of the Ordinance.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subjects to punishment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**ORDINANCE NO. 1439-2014**

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED  
“PUBLIC CONTRACTING” (ORDINANCE NO. 1417-2008 AND AMENDMENTS)  
ADOPTED JUNE 25, 2008 ALSO KNOWN AS CHAPTER 98 OF THE CODE OF THE  
CITY OF PERTH AMBOY**

**WHEREAS**, the City of Perth Amboy (the "City") has experienced considerable difficulties in securing qualified and reliable contractors and project professionals to complete and oversee significant construction projects in a timely and workmanlike manner, consistent with the terms and specification of the publicly awarded contract, thereby resulting in delays and cost overruns that have been detrimental to the residents of the City; and

**WHEREAS**, the City recognizes that there is a need to impose greater controls over significant public construction to ensure that the work is performed by responsible, qualified firms that maintain the capacity, expertise, personnel, and other qualifications and resources necessary to successfully perform and oversee public contracts in a timely, reliable and cost-effective manner; and

**WHEREAS**, in order to effectuate the purpose of selecting responsible contractors and project professionals for significant public contracts and to protect the City' investments in such contracts, prospective contractors, subcontractors and project professional should be required to meet pre-established, clearly defined, minimum standards relating to contractor responsibility, including requirements and criteria concerning technical qualifications, competency, subject matter expertise, adequacy of resources, including equipment, financial and personnel satisfactory records regarding, past project performance of similar magnitude, as well as safety, law compliance and business integrity; and

**WHEREAS**, due to the impact that skilled construction craft labor can have on public works projects, it is advisable to require contractors and subcontractors to participate in established, formal apprenticeship training programs as a condition of bidding, for the purpose of both promoting successful project delivery and encouraging fair business, employment and training practices that can have a positive impact on local communities affected by such contracts; and

**WHEREAS**, due to the impact that Construction and Project Managers, Architects and Engineers ("Project Professionals") can have on the timely, economical and proper completion of significant construction and maintenance contracts, it is advisable to require that such individuals and entities demonstrate the necessary qualifications, experience and financial capacity to competently perform the required contract services.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERTH AMBOY**

that the following shall be required of all contractors bidding and submitting proposals on significant public building construction contracts within the City of Perth Amboy and all Project Professionals seeking contracts to assist or oversee significant public building contracts:

1. The City shall require compliance with the provisions of this ordinance by business entities seeking to provide services to the City as specified herein. The requirements of this ordinance are intended to supplement, not replace, existing contractor Proposals and performance standards or criteria currently required by law, public policy or contracting documents. In the event of any conflict between this Ordinance, any other laws, public policy or contracting documents, the stricter provisions thereof shall apply, to the extent permitted by law.

2. All construction contractors and subcontractors ("Firm(s)") that perform work on any significant public work project, including building construction, alteration, or renovation, work, shall meet the requirements of this ordinance. For the purposes of this ordinance, "significant public work" shall be that which has a contract value of Three Hundred Thousand Dollars (\$300,000) or more.

**3.** Any architect, engineer, construction manager or project manager ("Project Professional") that performs work in connection with any significant public work project, including building construction, alteration or renovation work, shall satisfy the requirements of this ordinance that relate to Project Professionals.

**4.** All firms and Project Professionals engaged in contracts covered by this ordinance shall be qualified, responsible contractors, subcontractors and Project Professionals that have sufficient capabilities in all respects to successfully perform the contracts on which they are engaged, including the necessary experience, equipment, technical skills and qualifications, as well as financial, personnel and insurance resources. Firms bidding on public contracts, and Project Professionals seeking such contracts, shall also be required to have a satisfactory past performance record on projects of similar magnitude and satisfactory record of legal compliance, integrity and business ethics.

**5.** As a condition of performing work on a significant public works contract subject to this ordinance, a general contractor, construction manager or other lead or prime contractor seeking award of a contract shall submit a contractor responsibility certification at the time it submits its bid for a contract. Any Project Professional seeking a contract in connection with a significant public works project shall submit a Project Professionals certification with its proposal.

**6.** The contractor and Project Professional responsibility certification shall be completed on a form provided by the City and shall reference the project for which a bid is being submitted by name and contract of project member.

**7.** In the contractor responsibility certification, the construction manager, general contractor, or other lead or prime contractor shall confirm the following facts regarding its past performance and work history and its current qualifications and performance capabilities. If the certifying entity or individual cannot confirm the accuracy of each of the following criteria, it may submit a statement of explanation on the City form and the governing body may evaluate those circumstances and, in its sole discretion, waive a particular criterion for good cause shown. The governing body's decision to exercise or not exercise its discretion to waive a criterion of this paragraph shall not be a basis to challenge the decision to award or not to award a contract.

- (a)** The Firm has all valid, effective licenses, registrations or certificates required by federal, state, county or local law, including but not limited to licenses, registrations or certificates required to do (i) do business in the State; (ii) to do business in the City; and (iii) perform the contract work it seems to perform. These shall include, but not be limited to licenses, registrations or certificates for any type of trade work or specialty work which the Firm proposes to self-perform.
- (b)** For construction contractors, the Firm meets the bonding requirements for the contract, as required by applicable law or contract specifications and for construction contractors and professionals, the Firm meets any insurance requirements, as required by applicable law, services contract or contract specifications as applicable, including, without limitation, general liability insurance, workers' compensation insurance and unemployment insurance requirements.
- (c)** The Firm has not been debarred by any federal, state or local government agency or authority in the past seven (7) years.
- (d)** The Firm has not defaulted on any project in the past seven (7) years.
- (e)** The Firm has not had any type of business, contracting or trade license, registration, or other certification suspended or revoked in the past seven (7) years.

- (f) The Firm has not been cited for a willful violation of federal or state safety laws for the past seven (7) years.
- (g) The Firm and its owners have not been convicted of any crime relating to the contracting business by a final decision of a court or government agency in the past ten (10) years.
- (h) The Firm has not within the past seven (7) years been found in violation of any law applicable to its contracting business, including but not limited to licensing laws, tax laws, prompt payment laws, wage and hour laws, prevailing wage laws, environmental laws or others, where the result of such violation was the payment of a fine, back pay damages or any other type of penalty in the amount of \$1,000 or more.
- (i) The Firm will pay all craft employees that it employs on a project the current wage rates and benefits as required under applicable federal, state or local prevailing wage law under the Act.
- (j) For a public works project with a contract value of Two Million Dollars (\$2,000,000) or more, the Firm participates in a Class A Apprenticeship Program for each separate trade or classification in which it employs craft employees and shall continue to participate in such program or programs for the duration of the project. For purposes of this section, Class A Apprenticeship Program is an apprenticeship program that is currently registered and approved by the U.S. Department of Labor or the New Jersey Department of labor and has graduated at least one (1) enrollee in each of the past three (3) years (if the program has been in existence for three (3) years, at which time compliance shall be required.)
- (k) For a public works project with a contract value of Two Million Dollars (\$2,000,000) or more, the Firm will have on site at all times an employee with a minimum of ten hours of OSHA training.

**8.** In the Project Professional responsibility certification, the construction manager, architect and engineer shall confirm its past performance and work history and its current qualifications and performance capabilities in accordance with the requirements of sections 7 (a) (b) (c) (d) (e) (f) (g) (h) of this Ordinance and that it has not been adjudged liable for professional malpractice in the prior seven (7) years. If the certifying entity or individual cannot confirm the accuracy of each of the following criteria, it may submit a statement of explanation on the City form and the governing body may evaluate those circumstances and, in its sole discretion, waive a particular criterion for good cause shown. The governing body's decision to exercise or not to exercise its discretion to waive a criterion of this paragraph shall not be a basis to challenge the decision to award or not to award a contract.

**9.** The City may undertake a review process to determine whether the prospective awardee is a qualified, responsible contractor or Project Professional in accordance with the requirements of this Ordinance, and other applicable laws and regulations and has the resources and capabilities to successfully perform the contract, including bank references of financial stability.

**10.** The City may conduct any additional inquiries to verify that the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that Firms have a sufficient record of law compliance and business integrity to justify the award of a public contract. In conducting such inquiries, the City may seek relevant information from the Firm, its prior clients or customers, its subcontractors or any other relevant source.

**11.** If any provision of this Ordinance shall be held to be invalid or unenforceable by a court of competent jurisdiction and ant such holding shall not invalidate any other provisions of this Ordinance and all remaining provisions shall remain in full force and effect.

**12.** All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**13.** This Ordinance shall become effective 20 days after adoption and publication according to law.

SIGNED:  
Joel Pabon, Sr.  
Council President

ATTEST:  
Elaine M. Jasko  
City Clerk

APPROVED:  
Wilda Diaz  
Mayor

APPROVED AS TO FORM:  
Mark J. Blunda  
Director of Law

**Adopted on First Reading: August 13, 2014**  
**Published in The Home News Tribune: August 17, 2014**  
**Adopted on Second and Final Reading: September 10, 2014**  
**Published in The Home News Tribune: September 14, 2014**

# ATTACHMENT G

## STATEMENT OF OWNERSHIP DISCLOSURE

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

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

**Name of Organization:** \_\_\_\_\_

**Organization Address:** \_\_\_\_\_

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

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

**Part II**

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

**OR**

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

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

| Name of Individual or Business Entity | Home Address (for Individuals) or Business Address |
|---------------------------------------|----------------------------------------------------|
|                                       |                                                    |
|                                       |                                                    |
|                                       |                                                    |
| -24-                                  |                                                    |



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

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

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

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

| Stockholder/Partner/Member and Corresponding Entity Listed in Part II | Home Address (for Individuals) or Business Address |
|-----------------------------------------------------------------------|----------------------------------------------------|
|                                                                       |                                                    |
|                                                                       |                                                    |
|                                                                       |                                                    |

**Part IV Certification**

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

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



# ATTACHMENT I LETTER OF INTENT

**(Note: To be typed on Respondent's Letterhead. No modifications may be made to the content of this letter)**

[Insert Date]

Gary A. Muska, Purchasing Agent  
260 High Street  
Perth Amboy, NJ 08861

Re: **The CITY OF PERTH AMBOY is soliciting proposals through the competitive contracting process in accordance with N.J.S.A. 40A:11-4.1(a), et seq. for ENGINEERING SERVICES** from experienced Engineer in response to this Request for Proposals (RFQ) to provide Engineering services to the City of Perth Amboy. The term of such agreement will be for a one year period covering 01/01/19 to 12/31/19. Proposals will be evaluated in accordance with the criteria set forth in this RFQ. The City of Perth Amboy may select one or more law firms to provide the services requested herein.

Dear Mr. Muska:

The undersigned, Qualified Respondent, has submitted the attached Proposal Statement in response to a Request for Proposals (RFQ), issued by the City of Perth Amboy (the "City") dated October 11, 2018, in connection with the City's need for Engineering Services. The undersigned hereby states:

1. The Proposal Statement contains accurate, factual and complete information to the best of my/our knowledge and belief. The Proposal Statement is submitted in good faith. I/we understand that any false statement may result in my/our disqualification.
2. I/We agree(s) to participate in good faith in the procurement process described in the RFQ and to adhere to the City's procurement schedule.
3. I/We acknowledge(s) that all costs incurred by me/us in connection with the preparation and submission of the Proposal Statement, amendments thereto, and any other documents prepared and submitted in response to the RFQ, or any negotiation which results therefrom, shall be borne exclusively by the undersigned.
4. I/We hereby declare that the only persons/business entities anticipated by the undersigned to perform the professional services for which the undersigned's Proposal Statement is submitted are the two other members of the Project Team named herein and that no other persons or business entities participated in submission of the undersigned's Proposal Statement or will participate in any contract to be entered into between Respondent Project Team and the City. The undersigned declares that its Proposal Statement is made without connection with any other person, firm or parties, except the other two members of the Project Team who have submitted Proposal Statements with the undersigned, and that the undersigned's Proposal Statement is being prepared and submitted in good faith and without collusion or fraud.
5. I/We acknowledge(s) and agree(s) that the City may modify, amend, suspend and/or terminate the procurement process (in its sole judgment).
6. I/We acknowledge(s) that if the Project Team of which I/We (am/are) a member becomes the Successful Respondent and is awarded a contract to provide the Services, I/We shall comply with all applicable affirmative action and equal employment opportunity laws:

**Signed:** \_\_\_\_\_ **Printed:** \_\_\_\_\_

**Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

***\*If the Qualified Respondent is part of a joint venture, partnership or organization other than a natural person, the Letter of Proposal and Letter of Intent must be signed by an individual with the authority to bind the organization.***

# ATTACHMENT J

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

Quote Number: \_\_\_\_\_

Bidder/Offeror: \_\_\_\_\_

### PART 1: CERTIFICATION

**BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.**

**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 <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. 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 listed 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 _____      | Anticipated Cessation Date _____     |
| Bidder/Offeror Contact Name _____ | Contact Phone Number _____           |

ADD AN ADDITIONAL ACTIVITIES ENTRY

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 attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. 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 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.

Full Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**BASIS OF AWARD**

(To be completed by City evaluation committee)

**EVALUATION FACTORS**

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

Evaluator 1: \_\_\_\_\_  
 Evaluator 2: \_\_\_\_\_  
 Evaluator 3: \_\_\_\_\_

**Possible Points**  
**100**

|                                                                                                                                                |  |
|------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Relevance and Extent of Qualifications, Experience, Reputation, and Training of Personnel to be assigned.</b><br><i>(maximum 15 points)</i> |  |
| <b>Knowledge of the City of Perth Amboy and the subject matter to be addressed under this engagement.</b><br><i>(maximum 15 points)</i>        |  |
| <b>Similar Experience.</b><br><i>(maximum 20 points)</i>                                                                                       |  |
| <b>References from communities already served.</b><br><i>(maximum 15 points)</i>                                                               |  |
| <b>Technical Proposal contains all required information.</b><br><i>(maximum 20 points)</i>                                                     |  |
| <b>Cost Proposal</b><br><i>(maximum 15 points)</i>                                                                                             |  |
| <b>TOTAL</b>                                                                                                                                   |  |

**ACKNOWLEDGMENT OF RECEIPT OF ADDENDA**

The undersigned Bidder hereby acknowledges receipt of the following Addenda:

| <u>Addendum Number:</u> | <u>Dated:</u> | <u>Acknowledged:</u><br>(Initial) |
|-------------------------|---------------|-----------------------------------|
| _____                   | _____         | _____                             |
| _____                   | _____         | _____                             |
| _____                   | _____         | _____                             |
| _____                   | _____         | _____                             |
| _____                   | _____         | _____                             |

**NO addenda were received:**

Acknowledged for: \_\_\_\_\_  
(Name of Bidder)

By: \_\_\_\_\_  
(Signature of Authorized Representative)

Name: \_\_\_\_\_  
(Print or Type)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Public Agency Instructions

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

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

information on this obligation) A sample Certification form is part of this package and the instruction to complete it is included in the Contractor Instructions. **NOTE: This section is not applicable to Boards of Education.**



# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Contractor Instructions

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

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

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

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

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

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

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

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

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

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

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

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To N.J.S.A. 19:44A-20.26

**This form or its permitted facsimile must be submitted to the local unit  
no later than 10 days prior to the award of the contract.**

**Part I – Vendor Information**

|              |  |        |  |
|--------------|--|--------|--|
| Vendor Name: |  |        |  |
| Address:     |  |        |  |
| City:        |  | State: |  |
|              |  | Zip:   |  |

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form.

|           |              |       |
|-----------|--------------|-------|
| Signature | Printed Name | Title |
|-----------|--------------|-------|

**Part II – Contribution Disclosure**

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than \$300 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

Check here if disclosure is provided in electronic form.

| Contributor Name | Recipient Name | Date | Dollar Amount |
|------------------|----------------|------|---------------|
|                  |                |      | \$            |
|                  |                |      |               |
|                  |                |      |               |
|                  |                |      |               |
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|                  |                |      |               |
|                  |                |      |               |

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



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

**County Name:**

State: Governor, and Legislative Leadership Committees

Legislative District #s:

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

County:

Freeholders

County Clerk

Sheriff

{County Executive}

Surrogate

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

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

**STOCKHOLDER DISCLOSURE CERTIFICATION**

**Name of Business:**

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

**OR**

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

**Check the box that represents the type of business organization:**

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

Limited Liability Partnership

Subchapter S Corporation

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

Stockholders:

|               |               |
|---------------|---------------|
| Name:         | Name:         |
| Home Address: | Home Address: |
| Name:         | Name:         |
| Home Address: | Home Address: |
| Name:         | Name:         |
| Home Address: | Home Address: |

|                                                                   |                                 |
|-------------------------------------------------------------------|---------------------------------|
| Subscribed and sworn before me this ____ day of _____, 2<br>____. | _____                           |
| (Notary Public)                                                   | (Affiant)                       |
| My Commission expires:                                            | _____                           |
|                                                                   | (Print name & title of affiant) |
|                                                                   | (Corporate Seal)                |