REQUEST FOR PROPOSALS FOR

LEGAL COUNSEL TO THE
PERTH AMBOY PLANNING BOARD

CITY OF PERTH AMBOY

Contract Term

January 1, 2015 to December 31, 2015

SUBMISSION DEADLINE

April 8, 2015

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
REQUEST FOR PROPOSALS

Criteria for Submission of Proposals for Professional Services Under the Fair and Open Process for LEGAL COUNSEL TO THE PLANNING BOARD OF THE CITY OF PERTH AMBOY

NOTICE IS HEREBY GIVEN that the Planning Board of City of Perth Amboy seeks proposals from qualified candidates to serve as its Legal Counsel for calendar year 2015.

A contract for the provision of legal services, if awarded, will be awarded pursuant to the Fair and Open process defined by New Jersey Statute 19:44A-20.7 and Perth Amboy City Ordinance for Professional Service Contracts.

Description of Professional Services Needed:
Licensed New Jersey attorney to provide legal advice and legal services to the Planning Board, attend regular and special meetings of the Planning Board, review and prepare documents and memoranda and perform such other legal services as may be deemed necessary and are requested by the Board.

If requested and authorized by the Planning Board, the Planning Board Attorney will represent the Planning Board in litigation or special proceedings on a case by case basis.

Compensation:
The annual fee is $12,054 for calendar year 2015, payable in monthly installments.

Representation of the Planning Board in special matters and/or litigation, as authorized by resolution, is compensated at the rate of $125 per hour plus reasonable disbursements.

Minimum Qualifications:

a. Licensed New Jersey Attorney;
b. Minimum of Seven (7) years of substantial experience in real estate, land use planning and New Jersey Planning Board matters.
c. No record of disciplinary sanctions or legal malpractice judgments or settlements in the last seven (7) years.
d. Compliance with the State of New Jersey Disclosure Requirements and the City of Perth Amboy Code of Public Contracting Ordinance.

Selection Criteria:
The following factors will be taken into consideration and weighed by the Planning Board of the City of Perth Amboy as the basis of an award for professional services most advantageous to the Board:

a. Experience in representing New Jersey Planning Boards;
b. Knowledge and experience in Land Use and Planning Law;
c. References and record of success;
d. Educational background, awards and honors;
e. Availability and ability to meet the needs of the Planning Board;
f. Experience in Land Use and Planning Board litigation.

PROPOSAL LIMITATIONS - This RFP 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 or Planning Board by issuance of this RFP. The City and Planning Board reserve the right at their sole discretion to not select any proposal submitted.

Submission Requirements:

Submit a resume and letter of application for the professional position including all documentation that shall include, at a MINIMUM the following.

a) Provide full name and business address;
b) Any professional licenses held by the applicant in the State of New Jersey, or any other State, including a “Certificate of Good Standing;”
c) List all college and graduate degrees, including years awarded, held by the Applicant and any associated professionals in the business entity who may assist;
d) Fully describe the Applicant's experience in Planning Board and Land Use Planning and any other information demonstrating the ability to provide quality representation;
e) List all Planning Boards whom the Applicant has represented, including the dates of service and an appropriate contact;
f) Provide the number of licensed professionals employed by, or associated with, the Applicant;
g) List any professional affiliations or membership in any professional societies or organizations, including any offices or honors held;
h) Provide the name and qualifications of any other individual(s) who will assist in the performance of the tasks and the amount of their respective participation;
i) Describe the Applicant's experience and knowledge of City of Perth Amboy;
j) Provide a certification attesting to the fact that in the last seven (7) years neither the applicant nor any professional associated with the applicant has received any attorney disciplinary sanction and has not had an adverse judgment or settlement entered in a professional negligence/malpractice. If the applicant cannot so certify, provide a detailed explanation.

kj) Provide references in general and in particular from entities where the Applicant has provided similar services as sought by the Planning Board;

l) Provide a copy of your Business Registration Certificate;

m) Provide a copy of the Mandatory Affirmative Action Language and a copy of your Certificate of Employee Information Report;


o) Provide City of Perth Amboy Certification of Compliance with Code of Public Contracting Ordinance.

p) Each proposal must be signed by the person authorized to do so.

q) No proposer shall influence, or attempt to influence, or cause to be influenced, any City or Planning Board 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.

r) No proposer shall cause or influence, or attempt to cause or influence, any City or Planning Board officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the proposer or any other person.

Submit one copy of all materials in a sealed envelope with the name of the professional service and the word “CONFIDENTIAL” clearly marked on the outside of the envelope and addressed to: Division of Purchasing, City of Perth Amboy, 260 High Street, Perth Amboy, New Jersey 08861 to be received no later than April 9, 2015, 10:00 am.

The Planning Board of the City of Perth Amboy shall award a contract to the firm that best meets the needs and interests of the City, but reserves the right to not select from any of the proposals submitted. The City and Planning Board reserve 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.

STATUTORY AND OTHER REQUIREMENTS

INSURANCE AND INDEMNIFICATION

INSURANCE REQUIREMENTS

Professional Liability Insurance

A successful applicant must provide the Planning Board at the time of contract with evidence of professional liability insurance coverage in the minimum amount of $500,000 that shall be maintained in full force during the life of the contract.

PROOF OF BUSINESS REGISTRATION

N.J.S.A. 52:32-44 requires that each bidder (Contractor) submit proof of business registration with the bid proposal. Proof of registration shall be a copy of the bidder’s Business Registration Certificate (BRC). A BRC is obtained from the New Jersey Division of Revenue. Information on obtaining a BRC is available on the internet at www.nj.gov/njbgs or by phone at (609) 292-1730. N.J.S.A. 52:32-44 imposes the following requirements on Contractors and all subcontractors that knowingly provide goods or perform services for a Contractor fulfilling this contract:

• The Contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the Contractor;
• Prior to receipt of final payment from a contracting agency, a Contractor must submit to the contacting agency an accurate list of all subcontractors or attest that none was used;
• During the term of this contract, the Contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1, et seq.) on all sales of tangible personal property delivered into this State.

A Contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of $25 for each day of violation, not to exceed $50,000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements is available by calling (609) 292-1730.
MANDATORY AFFIRMATIVE ACTION LANGUAGE
P.L. 1975, C.127 (N.J.A.C. 17:27)

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, sex, 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, affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

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

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

The Contractor or Subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and Americans with Disabilities Act.

The Contractor or Subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c 127, as amended and supplemented from time to time.

The Contractor or Subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, 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 statues and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

The Contractor or Subcontractor agrees to review all procedures relating to transfer, upgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statues and court decisions of the State of New Jersey, and applicable federal law and applicable Federal court decisions.

The Contractor and its Subcontractors shall furnish such reports or other documents to the Affirmative Action Office 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 Affirmative Action Office for conducting a compliance investigation to Subchapter 10 of the Administrative Code (NAACO 17:27).
NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF ss:

I AM ___________________________

OF THE FIRM OF _______________________________

UPON MY OATH, I DEPOSE AND SAY:

1. THAT I EXECUTED THE SAID PROPOSAL WITH FULL AUTHORITY SO TO DO;

2. THAT THIS PROPOSER HAS NOT, DIRECTLY OR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FAIR AND OPEN COMPETITION IN CONNECTION WITH THIS ENGAGEMENT;

3. THAT ALL STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THIS AFFIDAVIT ARE TRUE AND CORRECT, AND MADE WITH FULL KNOWLEDGE THAT THE CITY OF PERTH AMBOY PLANNING BOARD RELIES UPON THE TRUTH OF THE STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THE STATEMENTS CONTAINED IN THIS AFFIDAVIT IN AWARDING THE CONTRACT FOR THE SAID ENGAGEMENT; AND

4. THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED TO SOLICIT OR SECURE THIS ENGAGEMENT AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE, EXCEPT BONA FIDE EMPLOYEES OR BONA FIDE ESTABLISHED COMMERCIAL SELLING AGENCIES OF THE PROPOSER. (N.J.S.A.52: 34-25).

SUBSCRIBED AND SWORN TO
BEFORE ME THIS ___________ DAY

OF ___________ 20____.

(TYPE OR PRINT NAME OF AFFIANT UNDER SIGNATURE)

________________________
NOTARY PUBLIC OF
MY COMMISSION EXPIRES: ___________, 20____.
BUSINESS ENTITY DISCLOSURE CERTIFICATION

PERTH AMBOY CODE OF PUBLIC CONTRACTING CERTIFICATION
REQUEST FOR PROPOSALS CHECKLIST

THIS CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH YOUR PROPOSAL:

Please initial below, indicating that your proposal includes the itemized document. A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR REFUSAL.

INITIAL BELOW

A. An original signed copy of your complete proposal. __________
B. Non-Collusion Affidavit properly notarized. __________
C. Authorized signatures on all forms. __________
D. Business Registration Certificate(s) __________
E. Affirmative Action Statement __________
F. Business Entity Disclosure Certification, N.J.S.A.19:44A-20.8 __________
G. Perth Amboy Code of Public Contracting Certification __________
H. Certification of No Disciplinary Sanctions or Professional Negligence __________

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)
REQUEST FOR PROPOSALS CHECKLIST

This checklist must be completed and submitted with your proposal. Please initial below, indicating that your proposal includes the itemized document.

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

INITIAL BELOW

A. An original and one (1) signed copies of your complete proposal

B. Authorized signatures on all forms

C. Affirmative Action Statement

D. Non-Collusion Affidavit properly notarized

E. Business Entity Disclosure Certification For Non-Fair And Open Contracts


H. Certification of No Disciplinary Sanctions or Professional Negligence

I. NJ Business Registration Certificate(s) and W9 (current)

J. Cost Proposal Sheet

K. 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:
EXHIBIT A
N.J.S.A. 10:5-31 and N.J.A.C. 17:27
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE Goods, Professional Services and General Service Contracts (Mandatory Affirmative Action Language)

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 or sex. Except with respect to 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, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for the 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 or sex.

The contractor or subcontractor, where applicable, will send to each labor Perth Amboy 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 Perth Amboy or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

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

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable City employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable City employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

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

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

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

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

- Letter of Federal Affirmative Action Plan Approval
- Certificate of Employee Information Report
- Employee Information Report Form AA302

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

STATE OF NEW JERSEY
City of Perth Amboy ss:

I AM ___________________ __________________ OF THE FIRM OF ________________________________

UPON MY OATH, I DEPOSE AND SAY:

1. That I executed the said proposal with full authority so to do;
2. That this proposer has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of fair and open competition in connection with this engagement;
3. That all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the city of Perth Amboy relies upon the truth of the statements contained in said proposal and in the statements contained in this affidavit in awarding the contract for the said engagement; and
4. That no person or selling agency has been employed to solicit or secure this engagement agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial selling agencies of the proposer. (n.j.s.a.52: 34-25)

____________________________________________
Name of the Firm (Print or Type)

____________________________________________
Signature / Title

____________________________________________
(Type or Print Name of Affidavit

Subscribed and sworn to me this ________ Day of ____________________, 20 ____.  

_________________________________________
Notary Public
CITY OF PERTH AMBOY
BUSINESS ENTITY DISCLOSURE CERTIFICATION FOR NON-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).

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<th>Name of Stock or Shareholder</th>
<th>Home Address</th>
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Part II – Ownership Disclosure Certification

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

Check the box that represents the type of business entity:

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

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<th>Name of Stock or Shareholder</th>
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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 __________, 2___.

(Witnessed or attested by)

My Commission expires:

Printed Name of Affiant: ________________________________

Date: ________________________________
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.

~~~~~~~~~~~~

**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)*
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 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
1479–2009
AN ORDINANCE LIMITING CONTRIBUTIONS BY PUBLIC CONTRACTORS

WHEREAS, large political contributions from those seeking to or performing business with the City of Perth Amboy, raise reasonable concerns on the part of taxpayers and residents as to their trust in government contracts; and

WHEREAS, it is in the interest of good government to establish a policy that will avoid the perception of improper influence in local elections.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERTH AMBOY:

Section 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 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 40A:11 et seq. or the “Fair and Open” Process pursuant to 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.
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 1 of this ordinance.

(b) The professional business entity and vendor shall have a continuing duty to report any violations of this ordinance 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.

Section 4. Return of Excess Contributions.

A professional business entity, vendor, or municipal candidate or officeholder, or City of Perth Amboy or Middlesex County party committees or PAC referenced in this ordinance, may cure a violation of Section 1 of this Ordinance, if, within 30 days after the date on which the applicable BLEC 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 ordinance.

Section 5. Exemptions.

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


(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 ordinance; (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 ordinance; 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.
For purposes of this ordinance, a "professional business entity" and a "vendor" seeking a public contract mean an individual including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; or association. The definition of a business entity and vendor includes all principals who own 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.

Any individual meeting the definition of "professional business entity" or "vendor" under this section may annually contribute a maximum of $300 each for any purpose to any candidate for mayor or governing body, or $300 to the City of Perth Amboy party or $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 $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.

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.

Section 2. Contributions Made Prior to the Effective Date.

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 ordinance shall be deemed a violation of this ordinance, 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 ordinance.

Section 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 $17,500 or more, the City of Perth Amboy or its purchasing agents...
(b) Furthermore, any professional business entity who violates (a) ii-viii shall be disqualified from eligibility for future City of Perth Amboy contracts for a period of four calendar years from the date of the violation.

Section 7. Severability.

If any provision of this Ordinance or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

Section 8. Effective Date.

This Ordinance shall take effect immediately upon passage, publication and approval according to law.

Peter J. Jimenez
Council President

ATTEST:

Blaine M. Jasko
City Clerk

APPROVED AS TO FORM:

Mark A. Blunda
Director of Law

Adopted on First Reading: September 9, 2009
Published in The Home News Tribune: September 13, 2009
Adopted on Second and Final Reading: September 23, 2009
Published in The Home News Tribune: September 27, 2009.

MIB-M
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
AN ORDINANCE

1739-2014

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’s 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, and 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 qualifications 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 a 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 Professional 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 number.

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 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) business in the state; (ii) 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 to 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 with 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, this requirement shall not apply until 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 exercise its discretion to waive a criterion of this paragraph shall not be a basis to challenge the decision
to award or not 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 work 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 the 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 any 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.

ATTEST:

ELAINE M. JASKO
City Clerk

APPROVED:

WELDA 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

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REQUEST FOR QUALIFICATIONS
FIRM'S AFFIDAVIT OF NO DISCIPLINARY SANCTIONS OR PROFESSIONAL NEGLIGENCE
IN THE STATE OF NEW JERSEY

I _________________________________________ of the _______________________________ in the County of ______________________________ and the State of ________________________ of full age, being duly sworn according to law on my oath depose and say that:

I am _____________________________________ , an officer of the firm of ____________________________ submitting and RFQ for the above named work, and that I executed the said RFQ with full authority to do so; that said bidder at the time of making of this bid is not included on the State of New Jersey, Department of Treasury, Division of Property Management & Construction List of Debarred, Suspended and Disqualified bidders and that all statements contained in the Affidavit in awarding the contract for said work.

The undersigned further warrants that the professional licenses and/or certifications of those individuals listed in this RFQ are valid and not expired or suspended.

The undersigned further warrants that should the name of the firm making this BID appear on the Treasurer’s List of Debarred, Suspended and Disqualified Bidders at any time prior to, and during the life of this contract, including the Guarantee Period, that the City shall be immediately notified by the signatory of this Eligibility Affidavit.

The undersigned understands that the firm making the BID as a contractor is subject to disbandment, suspension and/or disqualification in contracting with the State of New Jersey at the Department of Environmental Protection if the Contractor, pursuant to N.J.S.A. 7:1-5.2, commits any of the acts listed therein, and as determined according to applicable law and regulation.

____________________________________________
Name of the Firm (Print or Type)

____________________________________________
Signature / Title

____________________________________________
(Type or Print Name of Affidavit

Subscribed and Sworn to me this _________ Day of______________________, 20 _____.

____________________________________________
Notary Public

My Commission Expires _______________, 20 ______.
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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship to Bidder/Offeror</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Activities</td>
<td></td>
</tr>
<tr>
<td>Duration of Engagement</td>
<td>Anticipated Cessation Date</td>
</tr>
<tr>
<td>Bidder/Offeror Contact Name</td>
<td>Contact Phone Number</td>
</tr>
</tbody>
</table>

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 if 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: ___________________________

DPP Standard Forms Packet 11/2013