

EXHIBIT A-1  
Contractor's Qualification Statement –  
AIA Document A305



*AIA Document A305*

# Contractor's Qualification Statement

## 1986 EDITION

*This form is approved and recommended by The American Institute of Architects (AIA) and The Associated General Contractors of America (AGC) for use in evaluating the qualifications of contractors. No endorsement of the submitting party or verification of the information is made by the AIA or AGC.*

The Undersigned certifies under oath that the information provided herein is true and sufficiently complete so as not to be misleading.

SUBMITTED TO:

ADDRESS:

SUBMITTED BY:

NAME:

ADDRESS:

PRINCIPAL OFFICE:

- Corporation
- Partnership
- Individual
- Joint Venture
- Other

NAME OF PROJECT (if applicable):

TYPE OF WORK (file separate form for each Classification of Work):

- |                            |                  |
|----------------------------|------------------|
| _____ General Construction | _____ HVAC       |
| _____ Plumbing             | _____ Electrical |
| _____ Other _____          |                  |

(please specify)

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## 1. ORGANIZATION

- 1.1 How many years has your organization been in business as a Contractor?
- 1.2 How many years has your organization been in business under its present business name?
  - 1.2.1 Under what other or former names has your organization operated?
- 1.3 If your organization is a corporation, answer the following:
  - 1.3.1 Date of incorporation:
  - 1.3.2 State of incorporation:
  - 1.3.3 President's name:
  - 1.3.4 Vice-president's name(s):
  - 1.3.5 Secretary's name:
  - 1.3.6 Treasurer's name:
- 1.4 If your organization is a partnership, answer the following:
  - 1.4.1 Date of organization:
  - 1.4.2 Type of partnership (if applicable):
  - 1.4.3 Name(s) of general partner(s):
- 1.5 If your organization is individually owned, answer the following:
  - 1.5.1 Date of organization:
  - 1.5.2 Name of owner:

- 1.6 If the form of your organization is other than those listed above, describe it and name the principals:

## 2. LICENSING

- 2.1 List jurisdictions and trade categories in which your organization is legally qualified to do business, and indicate registration or license numbers, if applicable.

- 2.2 List jurisdictions in which your organization's partnership or trade name is filed.

## 3. EXPERIENCE

- 3.1 List the categories of work that your organization normally performs with its own forces.

- 3.2 Claims and Suits. (If the answer to any of the questions below is yes, please attach details.)

3.2.1 Has your organization ever failed to complete any work awarded to it?

3.2.2 Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?

3.2.3 Has your organization filed any law suits or requested arbitration with regard to construction contracts within the last five years?

- 3.3 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)

3.4 On a separate sheet, list major construction projects your organization has in progress, giving the name of project, owner, architect, contract amount, percent complete and scheduled completion date.

3.4.1 State total worth of work in progress and under contract:

3.5 On a separate sheet, list the major projects your organization has completed in the past five years, giving the name of project, owner, architect, contract amount, date of completion and percentage of the cost of the work performed with your own forces.

3.5.1 State average annual amount of construction work performed during the past five years:

3.6 On a separate sheet, list the construction experience and present commitments of the key individuals of your organization.

#### 4. REFERENCES

4.1 Trade References:

4.2 Bank References:

4.3 Surety:

4.3.1 Name of bonding company:

4.3.2 Name and address of agent:

## 5. FINANCING

### 5.1 Financial Statement.

5.1.1 Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:

Current Assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory and prepaid expenses);

Net Fixed Assets;

Other Assets;

Current Liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes);

Other Liabilities (e.g., capital, capital stock, authorized and outstanding shares par values, earned surplus and retained earnings).

5.1.2 Name and address of firm preparing attached financial statement, and date thereof:

5.1.3 Is the attached financial statement for the identical organization named on page one?

5.1.4 If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent-subsidiary).

5.2 Will the organization whose financial statement is attached act as guarantor of the contract for construction?

**6. SIGNATURE**

6.1 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Name of Organization:

By:

Title:

6.2

M \_\_\_\_\_ being  
duly sworn deposes and says that the information provided herein is true and sufficiently complete so as not to be  
misleading.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Notary Public:

My Commission Expires:

EXHIBIT A-2

RCM 1







EXHIBIT B

Acknowledgement of Receipt of Addenda/Q&A Form



**EXHIBIT B  
NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY  
Real Estate Division**

***ACKNOWLEDGEMENT of RECEIPT of ADDENDA / Q&A***

The undersigned Bidder / Proposer hereby acknowledges receipt of the following Addenda and “Questions & Answers” regarding the following solicitation:

**Bid / Proposal 2016-RED-RFQ-CM-054**

**Bid / Proposal Title: RFQ for At-Risk Construction Management (CM) Services, Pre-Construction and Construction – Health / Agriculture & Taxation Buildings, Trenton, NJ**

**NOTE: Bidder / Proposer Should acknowledge EACH Addendum & EACH “Questions & Answers” posted on the Authority’s website for this solicitation. The Bidder / Proposer Should complete, sign and return this document, WITH THE QUALIFICATIONS SUBMITTAL**

Addendum # / Q&A #	Dated

**NOTE: the column labeled “Dated” refers to the date each Addendum or “Questions and Answers” document was posted to the Authority’s website; not the date the Bidder / Proposer is executing this document.**

**Check here if No ADDENDUM or Q&A were issued for this bid / proposal.**

Submitted by: \_\_\_\_\_  
(Name of Bidding Entity)

\_\_\_\_\_  
(Signature of Authorized Representative of Bidding Entity)

\_\_\_\_\_  
(Print or type Name of Authorized Representative)

\_\_\_\_\_  
(Title of Authorized Representative)

\_\_\_\_\_  
(Date)

EXHIBIT C  
Submittal Checklist

**EXHIBIT C**  
**QUALIFICATION CHECKLIST AND/OR TABLE OF CONTENTS**  
**AT-RISK CONSTRUCTION MANAGEMENT SERVICES;**  
**PRE-CONSTRUCTION AND CONSTRUCTION**  
**HEALTH / AGRICULTURE & TAXATION BUILDINGS**  
**2016-RED-RFQ-CM-054**

<b>Number</b>	<b>Description</b>	<b>Mandatory or Recommended</b>	<b>Check if Included</b>
1.	PROPOSAL CHECKLIST AND/OR TABLE OF CONTENTS	<b>RECOMMENDED</b>	<input type="checkbox"/>
2.	ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA/Q&A FORM	<b>RECOMMENDED</b>	<input type="checkbox"/>
3.	CONTRACTOR'S QUALIFICATION STATEMENT AIA DOCUMENT A305	<b>MANDATORY</b>	<input type="checkbox"/>
4.	EXHIBIT RCM-1	<b>MANDATORY</b>	<input type="checkbox"/>
5.	BONDING STATEMENT	<b>RECOMMENDED</b>	<input type="checkbox"/>
6.	SUBSTANTIATING DOCUMENTATION AS OUTLINED IN RANKING CRITERIA SECTION	<b>MANDATORY</b>	<input type="checkbox"/>

## EXHIBIT D-1

### Conceptual Site Plan for Health and Agriculture Building



EXHIBIT D-2

Conceptual Site Plan for Taxation Building



EXHIBIT E-1 through E-8  
Construction Related Compliance  
Informational Only

## **COMPLIANCE – CONSTRUCTION SERVICES:**

## **EXHIBITS E1 – E8**

This Attachment describes the compliance requirements and includes exhibits containing forms, instructions and samples.

When preparing your firm's proposal in response to this solicitation, keep in mind that, in the RFQ/P – RFP, the word “shall” or “must” denotes proposal items which are mandatory for a proposal to be complete; the word “should” denotes proposal items which are recommended, but not mandatory; and the word “may” denotes proposal items which are permissible, but not mandatory.

### **AFFIRMATIVE ACTION**

#### **A. EQUAL EMPLOYMENT OPPORTUNITY – GOODS AND PROFESSIONAL SERVICES**

Bidders are required to comply with the requirements of P.L. 1975 C. 127 – N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq., which are expressly included within the terms of this RFQ/P. – **Exhibit E-1**

#### **B. EQUAL EMPLOYMENT OPPORTUNITY – CONSTRUCTION CONTRACTS**

Bidders are required to comply with the requirements of P.L. 1975 C. 127 – N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq., which are expressly included within the terms of this RFQ/P, as it pertains to Construction Contracts. **Exhibit E-2**

#### **C. NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AFFIRMATIVE ACTION ADDENDUM TO CONSTRUCTION CONTRACT - N.J.A.C. 19:30-3.5 CONSTRUCTION CONTRACTS – EXHIBIT E-3**

### **PREVAILING WAGE**

- A. Prevailing Wage Rate Determination – This Procurement is subject to Prevailing Wage Rate Determination – Exhibit E-4

### **PUBLIC WORKS CONTRACTOR REGISTRATION ACT**

The Public Works Contractor Registration Act (N.J.S.A. 34:11-56.48, et seq.) requires all contractors, subcontractors, or lower tier subcontractors (including subcontractors listed in bid proposals) who bid on or engage in the performance of any public work to register with the Department of Labor and Workforce Development.

- A. Instructions for Completing the Application for Public Works Contractor Registration – Exhibit E-5
- B. Public Works Contractor Registration Certificate – (Mandatory that Certificate be provided with Proposal) - Exhibit E-6

### **EXECUTIVE ORDER 151 - NOTICE OF ADDITIONAL MANDATORY CONSTRUCTION CONTRACT LANGUAGE – Exhibit E-7**

### **EXECUTIVE ORDER 11 – Exhibit E-8**

## EXHIBIT E-1

## **EXHIBIT A**

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

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

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

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

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

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

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

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

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

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

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

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

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

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

(REVISED 4/10)

## EXHIBIT E-2

EXHIBIT B

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

CONSTRUCTION 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, up-grading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

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

The contractor or subcontractor 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 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.

When hiring or scheduling workers in each construction trade, the contractor or subcontractor agrees to make good faith efforts to employ minority and women workers in each construction trade consistent with the targeted employment goal prescribed by N.J.A.C. 17:27-7.2; provided, however, that the Division may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by the following provisions, A, B and C, as long as the Division is satisfied that the contractor or subcontractor is employing workers provided by a union which provides evidence, in accordance with standards prescribed by the Division, that its percentage of active "card carrying" members who are minority and women workers is equal to or greater than the targeted employment goal established in accordance with N.J.A.C. 17:27-7.2. The contractor or subcontractor agrees that a good faith effort shall include compliance with the following procedures:

(A) If the contractor or subcontractor has a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three business days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with the rules promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et. seq., as supplemented and amended from time to time and the Americans with Disabilities Act. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five business days prior to the commencement of construction work, the contractor or subcontractor agrees to afford equal employment opportunities minority and women workers directly, consistent with this chapter. If the contractor's or subcontractor's prior experience with a construction trade union, regardless of whether the union has provided said assurances, indicates a significant possibility that the trade union will not refer sufficient minority and women workers consistent with affording equal employment opportunities as specified in this chapter, the contractor or subcontractor agrees to be prepared to provide such opportunities to minority and women workers directly, consistent with this chapter, by complying with the hiring or scheduling procedures prescribed under (B) below; and the contractor or subcontractor further agrees to take said action immediately if it determines that the union is not referring minority and women workers consistent with the equal employment opportunity goals set forth in this chapter.

(B) If good faith efforts to meet targeted employment goals have not or cannot be met for each construction trade by adhering to the procedures of (A) above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor agrees to take the following actions:

- (1) To notify the public agency compliance officer, the Division, and minority and women referral organizations listed by the Division pursuant to N.J.A.C. 17:27-5.3, of its workforce needs, and request referral of minority and women workers;
- (2) To notify any minority and women workers who have been listed with it as awaiting available vacancies;
- (3) Prior to commencement of work, to request that the local construction trade union refer minority and women workers to fill job openings, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade;
- (4) To leave standing requests for additional referral to minority and women workers with the local construction trade union, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State Training and Employment Service and other approved referral sources in the area;
- (5) If it is necessary to lay off some of the workers in a given trade on the construction site, layoffs shall be conducted in compliance with the equal employment opportunity and non-discrimination standards set forth in this regulation, as well as with applicable Federal and State court decisions;
- (6) To adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:

(i) The contractor or subcontractor shall interview the referred minority or women worker.

(ii) If said individuals have never previously received any document or certification signifying a level of qualification lower than that required in order to perform the work of the construction trade, the contractor or subcontractor shall in good faith determine the qualifications of such individuals. The contractor or subcontractor shall hire or schedule those individuals who satisfy appropriate qualification standards in conformity with the equal employment opportunity and non-discrimination principles set forth in this chapter. However, a contractor or subcontractor shall determine that the individual at least possesses the requisite skills, and experience recognized by a union, apprentice program or a referral agency, provided the referral agency is acceptable to the Division. If necessary, the contractor or subcontractor shall hire or schedule minority and women workers who qualify as trainees pursuant to these rules. All of the requirements, however, are limited by the provisions of (C) below.

(iii) The name of any interested women or minority individual shall be maintained on a waiting list, and shall be considered for employment as described in (i) above, whenever vacancies occur. At the request of the Division, the contractor or subcontractor shall provide evidence of its good faith efforts to employ women and minorities from the list to fill vacancies.

(iv) If, for any reason, said contractor or subcontractor determines that a minority individual or a woman is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing of the reasons for the determination, maintain a copy of the determination in its files, and send a copy to the public agency compliance officer and to the Division.

(7) To keep a complete and accurate record of all requests made for the referral of workers in any trade covered by the contract, on forms made available by the Division and submitted promptly to the Division upon request.

(C) The contractor or subcontractor agrees that nothing contained in (B) above shall preclude the contractor or subcontractor from complying with the union hiring hall or apprenticeship policies in any applicable collective bargaining agreement or union hiring hall arrangement, and, where required by custom or agreement, it shall send journeymen and trainees to the union for referral, or to the apprenticeship program for admission, pursuant to such agreement or arrangement. However, where the practices of a union or apprenticeship program will result in the exclusion of minorities and women or the failure to refer minorities and women consistent with the targeted county employment goal, the contractor or subcontractor shall consider for employment persons referred pursuant to (B) above without regard to such agreement or arrangement; provided further, however, that the contractor or subcontractor shall not be required to employ women and minority advanced trainees and trainees in numbers which result in the employment of advanced trainees and trainees as a percentage of the total workforce for the construction trade, which percentage significantly exceeds the apprentice to journey worker ratio specified in the applicable collective bargaining agreement, or in the absence of a collective bargaining agreement, exceeds the ratio established by practice in the area for said construction trade. Also, the contractor or subcontractor agrees that, in implementing the procedures of (B) above, it shall, where applicable, employ minority and women workers residing within the geographical jurisdiction of the union.

After notification of award, but prior to signing a construction contract, the contractor shall submit to the public agency compliance officer and the Division an initial project workforce report (Form AA 201) electronically provided to the public agency by the Division, through its website, for distribution to and completion by the contractor, in accordance with N.J.A.C. 17:27-7. The contractor also agrees to submit a copy of the Monthly Project Workforce Report once a month thereafter for the duration of this contract to the Division and to the public agency compliance officer.

The contractor agrees to cooperate with the public agency in the payment of budgeted funds, as is necessary, for on-the-job and/or off-the-job programs for outreach and training of minorities and women.

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

**EXHIBIT E-3**



# New Jersey Economic Development Authority Affirmative Action Addendum to Construction Contract

## MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

Pursuant to N.J.A.C. 19:30 SUBCHAPTER 3. AFFIRMATIVE ACTION IN AUTHORITY-FINANCED CONSTRUCTION PROJECTS

### **N.J.A.C. 19:30-3.5 Construction contracts**

1. The New Jersey Economic Development Authority "Affirmative Action Addendum to Construction Contract", which is provided by the Authority as part of its application for financial assistance and also available at [www.njeda.com/affirmativeaction](http://www.njeda.com/affirmativeaction), must be part of all construction contracts and must be signed by the project owner/applicant, prime contractor and subcontractor (all tiers).
2. Unless specifically exempted by N.J.A.C. 19:30-3.4 or 3.5(b), 10 percent of every disbursement for each construction contract in connection with the construction project shall be retained by the project owner/applicant, agent, trustee or lender until 50 per cent completion of the contract. Upon notification to the AA Compliance Officer that a contract is 50 percent complete and confirmation from the AA Compliance Officer that the project is in substantial compliance with this subchapter, five percent of every disbursement for each construction contract must be retained. Upon approximately 90 percent completion of the construction contract and receipt of an Authority Affirmative Action Completion Certificate that is acceptable to the Authority, the Authority will notify the project owner/applicant that the remaining retainage may be released.
3. 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 or subcontractor 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.
4. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Authority setting forth provisions of this nondiscrimination clause.
5. The contractor or subcontractor, where applicable, will in all solicitations or advertisements for employees placed by or on behalf of the contractor or subcontractor, 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.
6. The contractor or subcontractor, where applicable, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract of understanding, a referral letter, to be provided by the Authority, advising the labor union or workers' representative of the contractor's commitments under this subchapter and shall post copies of the referral letters in conspicuous places available to employees and applicants for employment.
7. The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers in each construction trade consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-7.2; provided, however, that the Authority may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed in N.J.A.C. 19:30-3.6 (see below), as

long as the Authority is satisfied that the contractor or subcontractor is employing workers provided by a union which provides evidence, in accordance with standards prescribed by the Authority, that its percentage of active “card-carrying” members who are minority and women workers is equal to or greater than the applicable employment goals established in accordance with N.J.A.C. 17:27-7.2.

8. The general contractor that is awarded a construction contract or the project owner/applicant must submit an initial project workforce report to the Authority. Each initial workforce report shall identify the estimated workforce requirements, by trade or craft, of the construction contractors and subcontractors for the duration of the construction contract.
9. The general contractor must submit a monthly project workforce report to the Authority within 15 business days after the end of the reporting month.
10. 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, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.
11. In the event a construction contract has been executed between a project owner/applicant; Or; a landlord not exempted by N.J.A.C. 19:30-3.4, and the contractor or subcontractor before the project owner/applicant applied to and/or received final approval, the Authority will require that any executed construction contract(s) be amended to include the NJEDA “Affirmative Action Addendum to Construction Contract”, on a go-forward basis or incorporate such addendum by a side letter agreement.

#### 19:30-3.6 Good Faith

- (a) A contractor will be considered in compliance with this subchapter only if the contractor has made good faith efforts to meet the minority and women hiring goals for each trade or craft employed on the project. The goals are expressed as percentages of the total hours worked on the project in each trade. The goals are established by the Department of the Treasury, Division of Public Contracts Equal Employment Opportunity Compliance and can be found at the Division’s website at: [www.state.nj.us/treasury/contract\\_compliance/](http://www.state.nj.us/treasury/contract_compliance/).

The contractor must take the following steps in demonstrating good faith effort:

1. When hiring or scheduling workers in each construction trade, the contractor or subcontractor shall make good faith efforts to employ minority and women workers in each construction trade consistent with the applicable employment goal prescribed by N.J.A.C. 17:27-7.2; provided, however, that the Authority may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by this paragraph and (a) 2 below, as long as the Authority is satisfied that the contractor or subcontractor is employing workers provided by a union which provides evidence, in accordance with standards prescribed by the Authority, that its percentage of “card carrying” members who are minority and women workers is equal to or greater than the applicable employment goal established in accordance with N.J.A.C. 17:27-7.3.

A good faith effort by the contractor or subcontractor shall include compliance with the following procedures:

- i. If the contractor or subcontractor has a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three business days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with this subchapter [N.J.A.C. 19:30 Subchapter 3] as supplemented and amended from time to time. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five business days prior to commencement of construction work, the contractor or subcontractor shall attempt to hire or schedule minority and women workers directly, consistent with the applicable employment goal. If the contractor's or subcontractor's prior experience with a construction trade union, regardless of whether the union has provided said assurances, indicates a significant possibility that the trade union will not refer sufficient minority and women workers consistent with the applicable employment goal, the contractor or subcontractor shall be prepared to hire or schedule minority and women workers directly, consistent with the applicable employment goal, by complying with the hiring or scheduling procedures prescribed under N.J.A.C. 19:30-3.6(a)2 below; and the contractor or subcontractor shall take said action immediately if it determines or is so notified by the Authority that the union is not referring minority and women workers consistent with the applicable employment goal.
2. If the hiring or scheduling of a workforce consistent with the employment goal has not or cannot be achieved for each construction trade by adhering to the procedures of (a)1 above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall take the following actions consistent with the applicable county employment goals:
  - i. Notify the Authority's Affirmative Action Compliance Officer and minority and women referral organizations listed by the Department of the Treasury, Division of Public Contracts Equal Employment Opportunity Compliance pursuant to N.J.A.C. 17:27-5.3, of its workforce needs, and request referral of minority and women workers.
  - ii. Notify any minority and women workers who have been listed with it as awaiting available vacancies;
  - iii. Prior to commencement of work, request that the local construction trade union refer minority and women workers to fill job openings, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade;
  - iv. Leave standing requests for additional referral to minority and women workers with the local construction trade union, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State training and employment service at <http://lwd.dol.state.nj.us/labor/employer/content/jobborderrequest.html> and other approved referral sources in the area until such time as the workforce is consistent with the employment goal; and
  - v. If it is necessary to lay off any of the workers in a given trade on the construction site, assure, consistent with the applicable State and Federal statutes and court decisions, that sufficient minority and women employees remain on the site consistent with the employment goal; and employ any minority and women workers laid off by the contractor on any other construction site on which its workforce composition is not consistent with an employment goal established pursuant to rules implementing N.J.S.A. 10:5-31 et seq.;

3. The contractor or subcontractor shall adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:
  - i. If said individuals have never previously received any document or certification signifying a level of qualification lower than that required in order to perform the work of the construction trade, the contractor or subcontractor shall determine the qualifications of such individuals and if the contractor's or subcontractor's workforce in each construction trade is not consistent with the applicable employment goal, it shall hire or schedule those individuals who satisfy appropriate qualification standards. However, a contractor or subcontractor shall determine that the individual at least possess the requisite skills, and experience as recognized by a union, apprentice program or a referral agency, provided the referral agency is acceptable to the Authority. If necessary, the contractor or subcontractor shall hire or schedule minority workers who qualify as trainees pursuant to these rules. All of these requirements, however, are limited by the provisions of N.J.A.C. 19:30-3.6(a) 4 below.
  - ii. If the contractor's or subcontractor's workforce is consistent with the applicable employment goal, the name of any interested woman or minority individual shall be maintained on a waiting list for the first consideration, in the event the contractor's or subcontractor's workforce is no longer consistent with the applicable employment goal.
  - iii. If, for any reason, a contractor or subcontractor determines that a minority individual or a woman is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing of the reasons for the determination, maintain a copy of the determination in its files, and send a copy to the Authority's Affirmative Action Compliance Officer.
  - iv. The contractor or subcontractor shall keep a complete and accurate record of all requests made for the referral of workers in any trade covered by the contract, on forms made available by the Authority and submitted promptly to the Authority's Affirmative Action Compliance Officer upon request.
4. Nothing contained in N.J.A.C. 19:30-3.6(a) 2 above shall preclude the contractor or subcontractor from complying with the union hiring hall or apprenticeship policies in any applicable collective bargaining agreement or union hiring hall arrangement, and, where required by custom or agreement, it shall send journeymen and trainees to the union for referral, or to the apprenticeship program for admission, pursuant to such agreement or arrangement. However, where the practices of a union or apprenticeship program will result in the exclusion of minorities and women or the failure to refer minorities and women consistent with the county employment goal, the contractor or subcontractor shall consider for employment persons referred to N.J.A.C.19:30-3.6(a) 2 above without regard to such agreement or arrangement; provided further, however, that the contractor or subcontractor shall not be required to employ women and minority advanced trainees and trainees in numbers which result in the employment of advanced trainees and trainees as a percentage of the total workforce for the construction trade, which percentage significantly exceeds the apprentice to journey workers ratio specified in the applicable collective bargaining agreement, or in the absence of a collective bargaining agreement, exceeds the ratio established by practice in the area for said construction trade. Also, in implementing the procedures of (a) 2 above, the contract or subcontractor shall, where applicable, employ minority and women workers, residing within the geographical jurisdiction of the union. After notification of award, but prior to signing a construction

contract, the contractor shall submit to the Authority an initial EDA project workforce report provided by the Authority for distribution to and completion by the contractor, in accordance with N.J.A.C. 19:30-3.7. The contractor shall also submit a copy of the Monthly Project Workforce Report once a month thereafter for the duration of this contract to the Authority. The contractor agrees to notify the Authority and at least two minority referral organizations of the contractor's labor needs, and to request referrals of minority and women workers. The contractor shall leave standing requests for referrals of minority and women workers with the local unions, the State Employment Service, New Jersey Bureau of Apprenticeship and Training and at least two referral sources designated from time to time by the Authority until such a time as the contractor has met its hiring goals.

5. In conforming with the applicable employment goals, the contractor or subcontractor shall review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.
- (b) When compliance challenges are initiated pursuant to N.J.A.C. 19:30-3.8, the Authority shall consider the following factors in its determination of whether a contractor or subcontractor has acted in good faith:
1. Whether the contractor or subcontractor has knowledge of and has considered the general availability of minorities and women having requisite skills in the immediate labor area;
  2. Whether the contractor or subcontractor has knowledge of and has considered the percentage of minorities and women in the total workforce in the immediate labor area;
  3. Whether, when the opportunity has presented itself, the contractor or subcontractor has considered promoting minority and women employees within its organization;
  4. Whether the contractor or subcontractor attempted to hire minorities and women based upon the anticipated expansion, contraction and turnover of its workforce;
  5. Whether the contractor or subcontractor has the ability to consider undertaking training as a means of making all job classifications available to minorities and women and whether it has done so;
  6. Whether the contractor or subcontractor has utilized the available recruitment resources to attract minorities and women with requisite skills, including but not limited to training institutions, job placement services, referral agencies, newspapers, trade papers, faith-based organizations, and community-based organizations; and
  7. Whether the contractor or subcontractor has documented its attempts to attain the goals.



# New Jersey Economic Development Authority Prevailing Wage Addendum to Construction Contract

## N.J.A.C. 19:30 SUBCHAPTER 4. PAYMENT OF PREVAILING WAGES IN AUTHORITY PROJECTS

The New Jersey Economic Development Authority "*Prevailing Wage Addendum to Construction Contract*", which is provided by the Authority as part of its application for financial assistance and also available at [www.njeda.com/affirmativeaction](http://www.njeda.com/affirmativeaction), must be part of all construction contracts and must be signed by the project owner/applicant, prime contractor and subcontractor (all tiers), and by the owner/applicant's or recipient of authority financial assistance landlord, unless specifically exempted by N.J.A.C. 19:30-4.2.

### **N.J.A.C. 19:30-4.2 Payments of prevailing wages in projects receiving assistance**

(a) Not less than the prevailing wage rate shall be paid to workers employed in the performance of any construction contract, including contracts for mill work fabrication, undertaken in connection with Authority financial assistance or any of its projects, those projects which it undertakes pursuant to P.L. 2002, c. 43 (N.J.S.A. 52:27BBB-1 et seq.), or undertaken to fulfill any condition of receiving Authority financial assistance, including the performance of any contract to construct, renovate, or otherwise prepare a facility for operations which are necessary for the receipt of Authority financial assistance, unless the work performed under the contract is:

1. Performed on a facility owned by a landlord of the entity receiving the assistance;
2. The landlord is a party to a construction contract(s); and
3. Less than 55 percent of the facility is leased by the entity at the time of the contract and under any agreement to subsequently lease the facility.

(b) In accordance with P.L. 2007, c. 245 (N.J.S.A. 34:1B-5.1), nothing in this subchapter shall be construed as requiring the payment of prevailing wage for construction commencing more than two years after an entity has executed with the Authority a commitment letter regarding Authority financial assistance and the first payment or other provision of the assistance is received.

### **N.J.A.C. 19:30-4.3 Assurances required**

(a) Recipients of Authority financial assistance for construction contract shall deliver a NJEDA affirmative action completion certificate to the Authority (or designated agent for the Authority), upon completion of the contract, signed by an authorized representative of the recipient, representing and confirming that:

1. It has complied and has caused its landlord, if applicable, contractors and subcontractors to comply with the requirements of N.J.A.C. 19:30-4.2; or



2. It has not entered into any construction contracts subject to the provisions of N.J.A.C. 19:30-4.2(a) and its landlord has not entered in any contracts pursuant to N.J.A.C. 19:30-4.2(a).

**N.J.A.C. 19:30-4.4 Contract provisions required**

(a) All construction contracts in the amount of \$2,000 or more shall require that:

1. Prime contractors maintain and submit certified payrolls to the Authority; or
2. Contractors and subcontractors:
  - i. Permit the Authority, or its designated agent, complete access to payroll records and other records for purposes of determining compliance with the provisions of this subchapter; and
  - ii. Keep accurate records showing the name, craft or trade, and actual hourly rate of wages paid to each worker employed in connection with the performance of the contract and to preserve such records for two years from the date of payment.

In the event a construction contract has been executed between a project owner/applicant; or a landlord not exempted by N.J.A.C. 19:30-3.4, and the contractor (or subcontractor) before the project owner/applicant applied to and/or received final approval, the Authority will require that any executed construction contract(s) be amended to include the NJEDA *“Prevailing Wage Addendum to Construction Contract”*, on a go-forward basis or incorporate such addendum by a side letter agreement.



## AFFIRMATIVE ACTION & PREVAILING WAGE ADDENDUM TO CONSTRUCTION CONTRACT SIGNATURE PAGE (PAGE 1 OF 2)

### THIS PROJECT IS SUBJECT TO NJEDA PREVAILING WAGE & AFFIRMATIVE ACTION REQUIREMENTS

I/We, the undersigned certify to the New Jersey Economic Development Authority that the Authority's "Affirmative Action and Prevailing Wage Addendums to Construction Contract" will be included as part of all construction contracts and must be signed by the 1.) project owner/applicant or grant recipient; 2.) general contractor(s) or construction manager; 3.) the subcontractor; and for certain projects 4. The grant recipient's landlord (on page 2 of 2, if applicable) and all lower-tier contractors (on page 2 of 2, if applicable).

	NJEDA PROJECT #: _____ PROJECT OWNER – RECIPIENT COMPANY NAME: _____	
<b>PROJECT OWNER OR GRANT RECIPIENT</b>	_____ Signature of Authorized Representative for Project Owner/Grant Recipient	_____ Company Name of Project Owner/Grant Recipient
	_____ Signatory's Name and Title	_____ Street Address or PO Box of Project Owner/Grant Recipient
	_____ Date of Signature	_____ City, State and Zip Code of Project Owner/Grant Recipient
	_____ Date of Actual or Projected Date of Contract Award to General Contractor	_____ e-mail address of Project Owner/Grant Recipient
	Phone: _____	
<b>GENERAL CONTRACTOR / PRIME CONTRACTOR or CONSTRUCTION MANAGER</b>	_____ Signature of Authorized Representative for General Contractor or C.M.	_____ Company Name of General Contractor or Construction Mgt. Co.
	_____ Signatory's Name and Title	_____ Street Address or PO Box of General Contractor or Mgt. Co.
	_____ Date of Signature	_____ City, State and Zip Code of General Contractor or Mgt. Co.
	_____ Date of Actual or Projected Construction Start Date	_____ e-mail address of General Contractor or Construction Mgt. Co.
	Phone #: _____	
<b>SUBCONTRACTOR</b>	_____ Signature of Authorized Representative for Subcontractor Company	_____ Name of Subcontractor Company
	_____ Signatory's Name and Title	_____ Street Address or PO Box of Subcontractor Company
	_____ Date of Signature	_____ City, State and Zip Code of Subcontractor Company
	_____ Date of Actual or Projected Date of Subcontract Award	_____ e-mail address of Subcontractor Company
	Phone #: _____	

Submit to: NJ Economic Development Authority – 24 Commerce Street – Suite 301 – Newark, NJ 07102 or [affirmativeaction@njeda.com](mailto:affirmativeaction@njeda.com)



## AFFIRMATIVE ACTION & PREVAILING WAGE ADDENDUM TO CONSTRUCTION CONTRACT SIGNATURE PAGE (PAGE 2 OF 2)

### THIS PROJECT IS SUBJECT TO NJEDA PREVAILING WAGE & AFFIRMATIVE ACTION REQUIREMENTS

I/We, the undersigned certify to the New Jersey Economic Development Authority that the Authority's "Affirmative Action Addendum to Construction Contract" has/will be included as part of all construction contracts and must be signed by the 1.) project owner/applicant or grant recipient; 2.) general contractor(s) or construction manager; 3.) the subcontractor; and for certain projects 4. The grant recipient's landlord (on PAGE 2, if applicable) and all lower-tier contractors (on PAGE 2, if applicable), if not specifically exempted by N.J.A.C. 19:30-3.4 Therefore, a Landlord to the recipient of NJEDA financial assistance will be required to sign the NJEDA Affirmative Action and Prevailing Wage Addendums to Construction Contract, pursuant to N.J.A.C. 19:30-3.7 and N.J.A.C. 19:30-4.2, if the work being performed under the construction contract(s) is:

1. Being performed on a facility owned by a landlord of the entity receiving the Authority financial assistance; and
2. The landlord is a party to the construction contract(s); and
3. More than 55 per cent of the facility is leased by the entity receiving the Authority financial assistance at the time of construction contract(s) and under any agreement to subsequently lease the facility.

	NJEDA PROJECT #: _____ PROJECT OWNER – RECIPIENT COMPANY NAME: _____	
<b>LANDLORD OF RECIPIENT</b>	_____ Signature of Authorized Representative for Landlord of EDA Grant Recipient  _____ Signatory's Name and Title  _____ Date of Signature  _____ Date of Actual or Projected Date of Contract Award to General Contractor	_____ Company Name of Landlord of EDA Grant Recipient  _____ Street Address or PO Box of Project of Landlord of EDA Grant Recipient  _____ City, State and Zip Code of Landlord of EDA Grant Recipient  _____ e-mail address of Landlord of Grant Recipient  Phone: _____
<b>SUBCONTRACTOR (lower tier)</b>	_____ Signature of Authorized Representative for Subcontractor (lower tier)  _____ Signatory's Name and Title  _____ Date of Signature  _____ Date of Actual or Projected Date of Contract Award to Subcontractor (lower tier)	_____ Company Name of Subcontractor (lower tier)  _____ Street Address or PO Box of Subcontractor (lower tier)  _____ City, State and Zip Code of Subcontractor (lower tier)  _____ e-mail address of Subcontractor (lower tier)  Phone: _____

Submit to: NJ Economic Development Authority – 24 Commerce Street – Suite 301 – Newark, NJ 07102 or [affirmativeaction@njeda.com](mailto:affirmativeaction@njeda.com)

**EXHIBIT E-4**



STATE OF NEW JERSEY  
Department of Labor and Workforce Development  
Division of Wage and Hour Compliance - Public Contracts Section  
PO Box 389  
Trenton, NJ 08625-0389

### PREVAILING WAGE RATE DETERMINATION

The New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.) requires that the Department of Labor and Workforce Development establish and enforce a prevailing wage level for workers engaged in public works in order to safeguard their efficiency and general well being and to protect them as well as their employers from the effects of serious and unfair competition.

Prevailing wage rates are wage and fringe benefit rates based on the collective bargaining agreements established for a particular craft or trade in the locality in which the public work is performed. In New Jersey, these rates vary by county and by the type of work performed.

Applicable prevailing wage rates are those wages and fringe benefits in effect on the date the contract is awarded. All pre-determined rate increases listed at the time the contract is awarded must also be paid, beginning on the dates specified. Rates that have expired will remain in effect until new rates are posted.

#### Prevailing Wage Rate

The prevailing wage rate for each craft will list the effective date of the rate and the following information:

**W** = Wage Rate per Hour                      **B** = Fringe Benefit Rate per Hour\*                      **T** = Total Rate per Hour

- \* Fringe benefits are an integral part of the prevailing wage rate. Employers not providing such benefits must pay the fringe benefit amount directly to the employee each payday. Employers providing benefits worth less than the fringe benefit amount must pay the balance directly to the employee each payday.

Unless otherwise stated in the Prevailing Wage Rate Determination, the fringe benefit rate for overtime hours remains at the straight time rate.

When the Overtime Notes in the Prevailing Wage Rate Determination state that the overtime rates are "inclusive of benefits," the benefit rate is increased by the same factor as the wage rate (i.e. multiplied by 1.5 for time and one-half, multiplied by 2 for double time, etc.).

#### Apprentice Rate Schedule

An "apprentice" is an individual who is registered with the United States Department of Labor - Office of Apprenticeship and enrolled in a certified apprenticeship program during the period in which they are working on the public works project.

The apprentice wage rate is a percentage of the journeyman wage rate, unless otherwise indicated. The apprentice benefit rate is the full journeyman benefit rate, unless otherwise indicated.

If there is no apprentice rate schedule listed, the individual must be paid at least the journeyman rate even if that individual is in a certified apprentice program for that trade.

If there is no ratio of apprentices to journeymen listed for a particular craft, then the ratio shall be one (1) apprentice to every four (4) journeymen.

### **Comments/Notes**

For each craft listed there will be comments/notes that cover the definition of the regular workday, shift differentials, overtime, recognized holidays, and any other relevant information.

### **Public Works Contractor Registration**

The Public Works Contractor Registration Act (N.J.S.A. 34:11-56.48, et seq.) requires that **all** contractors, subcontractors, or lower tier subcontractors who are working on or who bid on public works projects register with the Department of Labor and Workforce Development. Applications are available at [www.nj.gov/labor](http://www.nj.gov/labor) (click on Wage & Hour and then go to Registration & Permits).

Pursuant to N.J.S.A. 34:11-56.51:

*No contractor shall bid on any contract for public work as defined in section 2 of P.L.1963, c. 150 (C.34:11-56.26) unless the contractor is registered pursuant to this act. No contractor shall list a subcontractor in a bid proposal for the contract unless the subcontractor is registered pursuant to P.L.1999, c.238 (C.34:11-56.48 et seq.) at the time the bid is made. No contractor or subcontractor, including a subcontractor not listed in the bid proposal, shall engage in the performance of any public work subject to the contract, unless the contractor or subcontractor is registered pursuant to that act.*

### **Snow Plowing**

Snow plowing contracts are not subject to the New Jersey Prevailing Wage Act or the Public Works Contractor Registration Act.

EXHIBIT E-5



**State of New Jersey**  
Department of Labor and Workforce Development  
Division of Wage and Hour Compliance  
PO Box 389  
Trenton, New Jersey 08625-0389

**Instructions for Completing the Application for Public Works Contractor Registration**

The Public Works Contractor Registration Act (N.J.S.A. 34:11-56.48, et seq.) requires all contractors, subcontractors, or lower tier subcontractors (*including subcontractors listed in bid proposals*) who bid on or engage in the performance of any public work to register with the Department of Labor and Workforce Development. The Contractor Registration Certificate is issued to both the company (*the business name listed in question #1*) and the company's responsible owners/officers (*the individuals listed in question #9*).

All applications must be accompanied by a check or money order made payable to the *Commissioner of Labor and Workforce Development*. We do not accept cash. Mail the application, check, and any other required documentation or forms to the Division of Wage and Hour Compliance (*mailing address is on the back of this form*).

**Type of Application and Certificate Number:**

Check appropriate box for new or renewal registration. If renewal, indicate current certificate number.

- New Application or One-Year Renewal – Fee is \$300 and non-refundable.
- Two-Year Renewal – Fee is \$500 and non-refundable. *A two-year renewal is available only to employers who have been continuously registered for the past two consecutive years.*

**Questions 1 – 15:** Answer all questions. Failure to provide requested information will cause a delay in processing the application. If the requested information is not subsequently provided, the application may be denied.

1. **Business Name** - Type or print legibly the name of business used to contract/subcontract public works projects. This is the business name that will appear on the certificate of registration.

If more than one business entity name is party to contracts, separate registrations are required.

2. **Legal / Corporate Name** – If different than item #1. If the business entity is a sole proprietorship or partnership, enter name of owner or partners.
3. **Street Address** – Enter the business's street address, city, state, ZIP code, and county. Do not use a PO Box.
4. **Mailing Address** - If different than item #3. This is the address to which notices and the public works contractor registration certificate will be mailed.
5. **Telephone Number, Fax Number, Email, and Website**
6. **FEIN** (Federal Employer Identification Number) – This is the business's **taxpayer identification number**. Any business that has employees and/or pays any kind of taxes must have a FEIN.

If business entity is a sole proprietorship with no employees and does not have an assigned FEIN from the IRS, enter the owner's SSN. Please indicate on application that you are providing a SSN.

- 7a. **Type of Business** – Check off the type of ownership. Enter the state of incorporation. Enter the date the business was started or incorporated. Enter the NJ Business/Corp. No. if known. Enter the total number of employees.

- 7b. **Registered Agent** - Out-of-state applicants must appoint a registered agent in New Jersey who will accept legal service in New Jersey.

**Permit to Maintain Payroll Records Outside of New Jersey** - If you are a **new out-of-state applicant** and plan to keep your payroll/business records outside of New Jersey, you must complete a Request for Permission to Maintain Payroll Records Outside of NJ (form MW-42). To get this form, go to [www.nj.gov/labor](http://www.nj.gov/labor) and click on *Wage & Hour* then *Registration & Permits*, or call (609) 292-9464.

8. **Workers' Compensation Coverage** – All businesses that operate in New Jersey must have workers' compensation insurance. The expiration date must be at least 30 calendar days from date of application. Sole proprietors, partnerships and LLCs with no workers' compensation coverage and no employees may complete the certified statement in item #8.
9. **Responsible Owners/Officers** – List each **individual** with a financial interest in the business – except that if the business is a publicly traded corporation – the corporation's officers.

If the applicant business is owned by another business entity, you must still list the responsible individuals for the applicant business. If the individual owners, partners, managing members, members or corporate officers are not listed, the processing of your application will be delayed and considered incomplete.

**Questions 10 – 15:** Read each question carefully and give complete and accurate responses. Add additional sheets and documentation if necessary. Be sure to check Yes or No; do not use "N/A" or leave blank.

Failure to disclose associations with other firms or to disclose any prior history of alleged violations could lead to the denial or loss of your contractor registration.

Pursuant to N.J.A.C. 12:62-2.4(a), a contractor registration certificate may be denied, suspended, or revoked due to inaccurate information, misstatements, or omissions.

**Question 10:** Be sure to disclose any association with other firms. Use the definition of "interest" as defined below to guide your response.

**Pursuant to N.J.A.C. 12:60-7.2, "interest" is defined as follows:**

"Interest" means an interest in the entity bidding or performing work on the public works project, whether as an owner, partner, officer, manager, employee, agent, consultant or representative. The term also includes, but is not limited to, all instances where the debarred contractor or subcontractor receives payments, whether cash or any other form of compensation, from any entity bidding or performing work on the public works project, or enters into any contracts or agreements with the entity bidding or performing work on the public works project for services performed, or to be performed, for contracts that have been or will be assigned or sublet, or for vehicles, tools, equipment or supplies that have been or will be sold, rented or leased during the period from the initiation of the debarment proceedings until the end of the term of the debarment period. "Interest," however, does not include shares held in a publicly traded corporation if the shares were not received as compensation after the initiation of debarment from an entity bidding or performing work on a public works project.

**Question 16:** NAICS Code – This is optional.

**Applicant Statement:** Review the Applicant Statement, sign and date the Statement, and print the name and title of the person signing the Statement.

**Return application & payment to:**

NJ Dept. of Labor & Workforce Development  
Division of Wage & Hour Compliance  
PO Box 389  
Trenton, NJ 08625-0389

**UPS & FedEx overnight mail:**

NJ Dept. of Labor & Workforce Development  
Division of Wage & Hour Compliance  
1 John Fitch Plaza, 3<sup>rd</sup> Floor  
Trenton, NJ 08611

Tel. (609) 292-9464      Fax (609) 633-8591      Email: [pwcr@dol.nj.gov](mailto:pwcr@dol.nj.gov)

\*\*\* Please allow 30 calendar days for processing the contractor registration certificate. \*\*\*

\*\*\* Please keep a copy of your application for your records. \*\*\*

Check your registration status and effective and expiration dates online at [www.nj.gov/labor](http://www.nj.gov/labor)  
(click on *Wage & Hour* then *Registration & Permits*).

STATE OF NEW JERSEY  
Department of Labor and Workforce Development  
Division of Wage and Hour Compliance

**APPLICATION FOR PUBLIC WORKS  
CONTRACTOR REGISTRATION**

**FOR OFFICE USE ONLY:**

Log # \_\_\_\_\_  
Check # \_\_\_\_\_  
Check Amount \$ \_\_\_\_\_

**All applications must be accompanied by a check or money order made payable to the  
Commissioner of Labor and Workforce Development. We do not accept cash.**

- New Application - \$300 **Non-Refundable Fee**                       Two-Year Renewal - \$500 **Non-Refundable Fee** (only available to firm  
 One-Year Renewal - \$300 **Non-Refundable Fee**                      who have been continuously registered for the past two consecutive years)

Current Certificate No. \_\_\_\_\_

1.	Business Name	(Provide the name of business used to contract/subcontract public works projects.)					
2.	Legal / Corporate Name	(If business entity is a sole proprietorship or partnership, enter name of owner or partners.)					
3.	Street Address	(Do not use a PO Box)	City	State	ZIP Code	County	
4.	Mailing Address	(Mailing address to which notices and the Public Works Contractor Registration certificate will be mailed.)					
5.	Telephone No.	Fax No.	Email	Website			
6.	FEIN (Federal Employer Identification Number): * _____						
* Any business that has employees and/or pays any kind of taxes must have a FEIN. If you are a sole proprietorship with no employees and do not have an assigned FEIN from the IRS, you may provide your SSN; if so please indicate you are providing your SSN.							
7a.	Type of Business:	<input type="checkbox"/> Individual/Sole Proprietor	<input type="checkbox"/> Partnership	<input type="checkbox"/> NJ Corporation	<input type="checkbox"/> Out-of-State Corporation	<input type="checkbox"/>	
		LLC (Limited Liability Company) <input type="checkbox"/>	LLP (Limited Liability Partnership) <input type="checkbox"/>	Other _____	State of Incorporation _____		
	Date of Incorporation/Formation	____/____/____	NJ Business/Corp. No.	_____	Total Employees	_____	
7b.	<b>Out-of-State Applicants: You must appoint a Registered Agent in New Jersey who will accept legal service in New Jersey.</b>						
	<b>New out-of-state applicants</b> who plan to keep payroll/business records <b>outside of NJ</b> must complete a Request for Permission to Maintain Payroll Records Outside of NJ (form MW-42). To get this form, go to <a href="http://www.nj.gov/labor">www.nj.gov/labor</a> and click on <i>Wage &amp; Hour</i> then <i>Registration &amp; Permits</i> .						
	Name of Registered Agent in New Jersey _____						
	Street Address		City	State	ZIP Code		
	Telephone No.	Fax No.	Email				
8.	Workers' Compensation Carrier Name: * _____						
	Policy No.:	_____	Effective	____/____/____	To	____/____/____	Expiration date must be at least 30 calendar days from today.
	* <u>IF you are a sole proprietorship, partnership or limited liability company (LLC) with NO workers' compensation coverage and NO employees (excluding the principal owner, partners or members of the LLC), you must complete the below certified statement.</u>						
	<input checked="" type="checkbox"/> I certify that I am a sole proprietor, partnership or LLC with no workers' compensation coverage and <u>I have no employees.</u>						
	Signature	_____	Print Name and Title	_____	Date	_____	

Business Name: \_\_\_\_\_

Certificate No. \_\_\_\_\_

9. **Responsible Owners/Officers:** Provide the following information for each **individual** with a financial interest in the business – except that if the business is a publicly traded corporation – the corporation’s officers. *Attach additional sheets if necessary.*

**NOTE:** The names and titles of the individual owners, partners, or responsible corporate officers will be listed on the certificate.

a.

\_\_\_\_\_  
First Name Last Name Title

\_\_\_\_\_  
Social Security No. % of financial ownership in business (if zero, so state) Telephone No.

\_\_\_\_\_  
Home Address City State ZIP Code

b.

\_\_\_\_\_  
First Name Last Name Title

\_\_\_\_\_  
Social Security No. % of financial ownership in business (if zero, so state) Telephone No.

\_\_\_\_\_  
Home Address City State ZIP Code

c.

\_\_\_\_\_  
First Name Last Name Title

\_\_\_\_\_  
Social Security No. % of financial ownership in business (if zero, so state) Telephone No.

\_\_\_\_\_  
Home Address City State ZIP Code

10. At any time during the preceding five (5) years, have any of the individuals listed in item #9 ever held an “**interest**” (for definition of “interest,” see N.J.A.C. 12:60-7.2 in the instructions) in another firm which has applied for or obtained a “Public Works Contractor Registration Certificate” or has bid on or performed work on a public works project, whether as an owner, partner, managing member (for LLC companies only), corporate officer, principal, manager, employee, agent, consultant, or representative?  Yes  No

If yes, list the name of the individual, position held, start and end dates, and name and address of company.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE:** Failure to disclose associations with other firms could cause the denial or loss of your contractor registration certificate.

11. Has the business listed in item #1 ever been prohibited or debarred from performing public work (including voluntary prohibition) by the State of New Jersey, any other state, public entity (e.g. city, county, board of education, etc.), or the federal government?  Yes  No

If yes, provide start and end dates, reason for prohibition/debarment, and any other relevant details.

\_\_\_\_\_  
\_\_\_\_\_

12. Have any of the individuals listed in item #9 ever been prohibited or debarred from performing public work (including voluntary prohibition) by the State of New Jersey, any other state, public entity (e.g. city, county, board of education, etc.), or the federal government?  Yes  No

If yes, list the name of the individual, start and end dates, reason for prohibition/debarment, and any other relevant details.

\_\_\_\_\_  
\_\_\_\_\_

Business Name: \_\_\_\_\_

Certificate No. \_\_\_\_\_

13. At any time during the preceding five (5) years, did the business listed in item #1 receive a notice of an alleged violation of any:

- a. New Jersey State Labor Law?  Yes  No If yes, explain: \_\_\_\_\_
- b. United States Federal Labor Law?  Yes  No If yes, explain: \_\_\_\_\_
- c. Labor Laws of any other state or public entity?  Yes  No If yes, explain: \_\_\_\_\_

NOTE: **Failure to disclose any prior history of alleged violations could cause the denial or loss of your contractor registration certificate.**

14. At any time during the preceding five (5) years, did any of the individuals listed in item #9 or any firm listed in item #10 receive a notice of an alleged violation of any:

- a. New Jersey State Labor Law?  Yes  No If yes, explain: \_\_\_\_\_
- b. United States Federal Labor Law?  Yes  No If yes, explain: \_\_\_\_\_
- c. Labor Laws of any other state or public entity?  Yes  No If yes, explain: \_\_\_\_\_

NOTE: **Failure to disclose any prior history of alleged violations could cause the denial or loss of your contractor registration certificate.**

15. Has the firm or any individual listed in item #9 ever been alleged to have committed any unlawful act in attempting to obtain or in the performance of a Public Contract?  Yes  No

If yes, name of public entity: \_\_\_\_\_ Year: \_\_\_\_\_

16. Please place a check mark next to each North American Industry Classification System (NAICS) code that your company intends to perform.

Your selection(s) will not limit the firm's eligibility to perform any particular type of work.

Code	Craft	Code	Craft	Code	Craft
<input type="checkbox"/> 238220	Air Balancing & Testing	<input type="checkbox"/> 238290	Elevators	<input type="checkbox"/> 237310	Paving
<input type="checkbox"/> 562910	Asbestos Removal	<input type="checkbox"/> 238910	Excavation	<input type="checkbox"/> 237120	Pipeline Construction
<input type="checkbox"/> 238910	Boring	<input type="checkbox"/> 238990	Fencing	<input type="checkbox"/> 238220	Plumbing
<input type="checkbox"/> 238140	Brick and Block	<input type="checkbox"/> 238330	Flooring/Tile	<input type="checkbox"/> 238220	Refrigeration
<input type="checkbox"/> 237990	Bulkheads & Docks	<input type="checkbox"/> 236220	General Construction	<input type="checkbox"/> 238160	Roofing
<input type="checkbox"/> 238350	Carpentry (general)	<input type="checkbox"/> 237310	Road and Heavy Highway	<input type="checkbox"/> 237110	Sewer Piping & Storm Drains
<input type="checkbox"/> 238330	Carpeting	<input type="checkbox"/> 484110	Hauling	<input type="checkbox"/> 238220	Sheet Metal (Mechanical)
<input type="checkbox"/> 238390	Caulking & Water Proofing	<input type="checkbox"/> 238220	HVAC	<input type="checkbox"/> 238220	Sprinkler Systems
<input type="checkbox"/> 238110	Concrete	<input type="checkbox"/> 238130	Iron and Steel Fabrications	<input type="checkbox"/> 517110	Telecommunications
<input type="checkbox"/> 213112	Core Drilling	<input type="checkbox"/> 238310	Insulation/Mechanical	<input type="checkbox"/> 238210	Traffic Signals
<input type="checkbox"/> 238910	Demolition	<input type="checkbox"/> 561720	Janitorial Services	<input type="checkbox"/> 562211	Waste Removal, Toxic/Hazardous
<input type="checkbox"/> 561990	Diving	<input type="checkbox"/> 541320	Landscape Construction	<input type="checkbox"/> 238190	Welding
<input type="checkbox"/> 237990	Dredging	<input type="checkbox"/> 238220	Mechanical Construction	<input type="checkbox"/> 213111	Well Drilling
<input type="checkbox"/> 238210	Electrical	<input type="checkbox"/> 238320	Painting	<input type="checkbox"/> Other	Describe: _____

Business Name: \_\_\_\_\_

Certificate No. \_\_\_\_\_

### APPLICANT STATEMENT

I hereby certify, as a representative of the contractor named above and on behalf of the contractor named above, for whom this Application is submitted, that it is understood that any Public Works Contractor Registration and receipt of any public works funds and contracts are fully conditioned on the compliance of the contractor and all of its owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives and/or independent contractors with all applicable state and federal laws, including all federal and state affirmative action requirements, all federal and state prevailing wage requirements, as well as any other labor laws, statutes, rules and/or regulations, including the New Jersey Wage Payment Law, N.J.S.A. 34:11-56 et seq., the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq., and all related laws, statutes, rules and regulations. It is further understood that the above contractor's Public Works Contractor Registration may be denied, suspended or revoked, and any subsequent public works funds and/or contracts will be received in violation of this certification and the law, and the contractor named above and its owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives and/or independent contractors may also be subject to suspension pending debarment, debarment, repayment of funds to public agencies, payment of back wages to employees, and payment of other damages and/or civil penalties under the New Jersey Wage Payment Law, N.J.S.A. 34:11-56 et seq., and the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq., as well as other related laws, statutes, rules and regulations, including the New Jersey False Claims Act, N.J.S.A. 2A:32C-1 et seq.

In accordance with the New Jersey Child Support Improvement Act, N.J.S.A. 2A:17-56.44d, by signing this application I am hereby certifying that I do not have a child support obligation or I have such an obligation but the arrearage amount does not equal or exceed the amount of the child support payable for six months and any court-ordered health coverage has been provided for the past six months. Furthermore, I certify that I have not failed to respond to a subpoena relating to a paternity or child support proceeding or I am not the subject of a child support related warrant. I understand that making a false statement may subject my contractor registration certificate to immediate revocation or suspension.

\_\_\_\_\_  
*Signature of Contractor Representative*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Print Name and Title*

**Return to:**

NJ Dept. of Labor and Workforce Development  
Division of Wage and Hour Compliance  
PO Box 389  
Trenton, NJ 08625-0389

Tel. (609) 292-9464  
Fax (609) 633-8591  
Email: pwcr@dol.nj.gov

**UPS & FedEx overnight mail:**

NJ Dept. of Labor and Workforce Development  
Division of Wage and Hour Compliance  
1 John Fitch Plaza, 3<sup>rd</sup> Floor  
Trenton, NJ 08611

**\*\*\* Please allow 30 calendar days for processing the contractor registration certificate. \*\*\***

**\*\*\* Please keep a copy of your application for your records. \*\*\***

Check your registration status and effective and expiration dates online at [www.nj.gov/labor](http://www.nj.gov/labor)  
(click on *Wage & Hour* then *Registration & Permits*).

EXHIBIT E-6

Certificate Number

Expiration Date

# State of New Jersey



## Department of Labor and Workforce Development Division of Wage and Hour Compliance Public Works Contractor Registration Act

Pursuant to Public Law 1999 Chapter 238, the Public Works Contractor Registration Act, this certificate of registration, for purposes of bidding on and engaging in public work is issued to

# 2005

This certificate may not be transferred or assigned and may be revoked for cause by the Commissioner of Labor and Workforce Development.

Handwritten signature of Thomas D. Carver in black ink.

Thomas D. Carver, Commissioner  
Department of Labor and Workforce Development

NON TRANSFERABLE

EXHIBIT E-7

## EXHIBIT E-7



## State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PUBLIC CONTRACTS  
EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

JON S. CORZINE  
Governor

PO Box 209  
TRENTON, NJ 08625-0209

R. DAVID ROUSSEAU  
State Treasurer

# NOTICE OF ADDITIONAL MANDATORY CONSTRUCTION CONTRACT LANGUAGE

On Friday, August 28, 2009, Governor Corzine signed Executive Order No. 151 which enhances inclusion efforts for minorities and women to benefit from the New Jersey Economic Assistance and Recovery Plan and the American Recovery and Reinvestment Act of 2009 (ARRA). The Executive Order includes a provision which requires all state agencies, independent authorities and colleges and universities to include additional mandatory equal employment and affirmative action language in its construction contracts. It is important to note that this language is in addition to and does not replace the mandatory contract language and good faith efforts requirements for construction contracts required by N.J.A.C. 17:27-3.6, 3.7 and 3.8, also known as Exhibit B. The additional mandatory equal employment and affirmative action language is as follows:

It is the policy of the **NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY ("NJEDA")** that its contracts should create a workforce that reflects the diversity of the State of New Jersey. Therefore, contractors engaged by the **NJEDA** to perform under a construction contract shall put forth a good faith effort to engage in recruitment and employment practices that further the goal of fostering equal opportunities to minorities and women.

The contractor must demonstrate to the **NJEDA's** satisfaction that a good faith effort was made to ensure that minorities and women have been afforded equal opportunity to gain employment under the **NJEDA's** contract with the contractor. Payment may be withheld from a contractor's contract for failure to comply with these provisions.

Evidence of a "good faith effort" includes, but is not limited to:

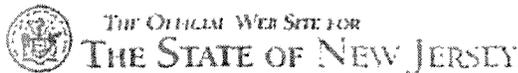
1. The Contractor shall recruit prospective employees through the State Job bank website, managed by the Department of Labor and Workforce Development, available online at <http://NJ.gov/JobCentralNJ>;
2. The Contractor shall keep specific records of its efforts, including records of all individuals interviewed and hired, including the specific numbers of minorities and women;

3. The Contractor shall actively solicit and shall provide the **NJEDA** with proof of solicitations for employment, including but not limited to advertisements in general circulation media, professional service publications and electronic media; and
4. The Contractor shall provide evidence of efforts described at 2 above to the **NJEDA** no less frequently than once every 12 months.
5. The Contractor shall comply with the requirements set forth at N.J.A.C. 17:27.

To ensure successful implementation of the Executive Order, state agencies, independent authorities and colleges and universities must forward an Initial Project Workforce Report (AA 201) for any projects funded with ARRA money to the Division of Public Contracts EEO Compliance immediately upon notification of award but prior to execution of the contract.

If you have questions or require additional information, please contact the Division at 609-292-5473.

**EXHIBIT E-8**



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**State of New Jersey  
Executive Order #11  
Governor Jon S. Corzine**

[Return to EO Index](#)

WHEREAS, New Jersey is a national leader in promoting energy efficiency, renewable energy, and environmental protection and is dedicated to reducing energy usage, which decreases emissions of greenhouse gasses and improves the health and welfare of the State's citizens; and

WHEREAS, increasing greenhouse gas emissions have been documented to result in global warming that is causing a rise in sea level, which in turn will affect the natural resources of the 127 miles of New Jersey's coast and negatively impact billions of dollars of existing infrastructure; and

WHEREAS, New Jersey State government controls hundreds of buildings throughout the State and spends nearly \$128 million annually on energy for its various facilities; and

WHEREAS, establishing the position of Director of Energy Savings within the Department of Treasury will assist in reducing the State's energy expenses and benefit the environment; and

WHEREAS, reducing energy usage through energy efficiency and increased use of renewable energy will improve the State's economy by exerting downward pressure on natural gas prices and otherwise lowering the cost of energy, creating local jobs, and stemming the flow of energy dollars to out-of-state entities; and

WHEREAS, energy savings and environmental protection gains can be achieved through changes in the purchasing patterns of State government, which wields considerable purchasing power; and

WHEREAS, the increased purchase of energy efficient, less toxic, and recycled products and services by State government is considered one of the best ways to bolster these markets, as well as the economic viability of New Jersey; and

WHEREAS, State government should assume a leadership role in promoting the

efficient use of energy and natural resources in the interest of long-term protection and enhancement of our State's natural beauty;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created within the Department of Treasury the position of Director of Energy Savings. The Director of Energy Savings shall be appointed by the Governor and shall report to the Treasurer.
2. The Director of Energy Savings shall be responsible for implementing a program to increase energy efficiency, reduce energy usage, and improve the procurement of energy for all State facilities. Specifically, the Director of Energy Savings shall:
  - a. Oversee energy audits to be conducted at State buildings, centers, and facilities and subsequent implementation of the recommendations contained in the audits in the most cost-effective manner available. These audits shall, at a minimum, analyze energy efficiencies and the feasibility of installing on-site renewable energy systems that can be cost-effectively implemented with a 10-year payback period;
  - b. Provide an annual report to the Governor outlining the environmental results and cost savings to the State;
  - c. Take the action necessary to enable the State to partake in the bulk purchase and energy contract program to maximize the State's purchasing power;
  - d. Assist in implementing the procurement practices set forth in this Order;
  - e. Work with the Economic Development Authority, the Office of Economic Growth, the Commission on Science and Technology, and the Board of Public Utilities to develop a plan for promoting economic development around renewable energy and advanced energy technologies;
  - f. Coordinate with the agencies that own, lease, occupy or maintain State buildings to implement immediate energy efficiency practices;

- g. Evaluate and determine whether the State should participate in the Board of Public Utilities' Clean Power Choice program; and
  - h. Review the current State vehicle fleet, within the context of current federal and State standards, to determine whether more fuel efficient vehicles may be purchased.
- 3. All State departments, authorities and instrumentalities with purchasing or procurement authority (hereinafter, "State agencies") shall select ENERGY STAR energy-efficient products when acquiring new energy-using products or replacing existing equipment. The Director of the Division of Purchase and Property in the Department of Treasury (hereinafter, the "Division of Purchase and Property") shall issue standards and guidelines to implement this requirement. For products that do not have ENERGY STAR labels, State agencies shall follow guidelines established by the New Jersey Clean Energy Program.
- 4. Each State agency shall appoint or reappoint, within 30 days of the effective date of this Order, a coordinator from the agency procurement staff who will be responsible for coordinating with the Director of Energy Savings and the Division of Purchase and Property for the procurement by the State agency of energy, energy efficient products and equipment, renewable energy products, recycled products, low toxicity products and alternatives to products that contain mercury, lead, or other persistent bioaccumulative toxics (PBTs), and other products manufactured through environmentally sustainable methods. The coordinator's responsibility is to ensure agency compliance with the provisions of this Order. Those State agencies with independent procurement authority shall consult with the Division of Purchase and Property as well as the Director of Energy Savings in accordance with the requirements of this Order to ensure statewide adherence hereto.
- 5.
  - a. For the purposes of this section, "competitive" means of comparable quality and available at a price no more than 15% above the price arrived at through competitive bid, and "Addendum" means the Addendum to this Order which is incorporated herein by reference.
  - b. Each State agency shall, when purchasing products in the product categories set forth in the Addendum, purchase the recycled products listed in the Addendum, provided the recycled products are

competitive. In connection with such purchases, consideration shall be given to recycled products containing the highest percentage of post-consumer waste material.

- c. Each State agency shall print all publications and documents, including those publications and documents printed under the supervision of the State agency, on recycled paper, unless the State agency cannot procure a sufficient quantity of competitive recycled paper. The phrase "printed on recycled paper," "recycled paper" or words or symbols to that effect should be imprinted on the publication or document.
  - d. State agencies shall make best efforts to use both sides of the paper stock (i.e., two-sided or duplex copies) when producing or copying documents.
  - e. In all product procurements, State agencies shall make best efforts to purchase low toxicity products, PBT-free or reduced-PBT products, and other products manufactured through environmentally sustainable methods. In cases where a PBT-free alternative is not available, the State agency shall include specifications to encourage product manufacturers to take back and recycle used PBT-containing products.
6. In creating any new specification, and prior to the renewal of any expired specification, each State agency shall revise or eliminate any standards or provisions unrelated to performance that present barriers to the purchase of recycled products (e.g., unnecessary brightness standards or their equivalents for paper and paper products shall be lowered to remove any impediments that these standards may pose to the purchase of recycled paper or recycled paper products), energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods.
  7. The Director of the Division of Purchase and Property shall have the authority to extend any existing contracts under their current terms when the Director determines such extension to be in the best interests of the State.
  8. Each State agency shall submit an annual report to the Division of Purchase and Property by August 31 of each year that details the types, volume and dollar amounts of recycled products, energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally

sustainable methods purchased during the previous fiscal year. This report shall be submitted either electronically or on paper in accordance with subsections (c) and (d) of section 5 of this Order.

9. State agencies shall transition to energy efficient products and equipment, renewable energy products, recycled products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods as soon as possible but in a manner that avoids wasting of existing inventories and allows the phase-out of products inconsistent with this Order.
10. The Office of Clean Energy in the Board of Public Utilities and the Department of Environmental Protection shall provide technical assistance to the Director of Energy Savings, State agency coordinators, and the Division of Purchase and Property in support of implementation of this Order and shall promote innovative research and development to identify new recycled products, energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods to be purchased by State agencies.
11. This Order shall not apply whenever inclusion in a contract of a provision or provisions of this Order would violate the terms, conditions, or limitations of any grant, funding or financial assistance from the federal government or any agency thereof.
12. This Order shall take effect immediately.

GIVEN, under my hand and seal this 22nd day  
of April, Two Thousand and Six, and of the  
Independence of the United States, the Two  
Hundred and Thirtieth.

/s/ Jon S. Corzine

Governor

[seal]

Attest:

/s/ Stuart Rabner

Chief Counsel to the Governor

### **Addendum**

Construction Products – Unless otherwise noted, in accordance with United States Environmental Protection Agency’s (hereinafter “USEPA”) Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Asphalt pavement or asphalt pavement patching materials made with recycled asphalt shingles – New Jersey Department of Transportation (hereinafter “NJDOT”) specification
- Building insulation products
- Carpet
- Carpet cushion
- Cement and concrete
- Consolidated and reprocessed latex paint
- Floor tiles
- Flowable fill
- Glassphalt – NJDOT specification
- Laminated paperboard
- Patio blocks
- Railroad grade crossing surfaces
- Reclaimed asphalt pavement (RAP) - NJDOT specification
- Recycled concrete aggregate (RCA) - NJDOT specification
- Recycled plastic lumber – American Society for Testing and Materials specification
- Rubber modified asphalt
- Shower and restroom dividers/partitions
- Structural fiberboard

Landscaping Products – Unless otherwise noted, in accordance with USEPA’s Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Garden and soaker hoses
- Hydraulic mulch
- Lawn and garden edging
- Mulch, compost and other soil amendments made from municipal solid waste, sludge, yard waste, food waste, clean wood scrap and other organic materials – NJDEP solid waste and recycling rules

Plastic lumber landscaping timbers and posts

Nonpaper Office Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Binders, clipboards, file folders, clip portfolios, and presentation folders

Office recycling containers

Office waste receptacles

Plastic desktop accessories

Plastic envelopes

Plastic trash bags

Printer ribbons

Toner cartridges

Soy-based inks

Paper and Paper Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Commercial/industrial sanitary tissue products

Miscellaneous papers

Newsprint

Paperboard and packaging products

Printing and writing papers

Park and Recreation Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Park benches and picnic tables

Plastic fencing

Playground equipment

Playground surfaces

Running tracks

Transportation Products – Unless otherwise noted, in accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Channelizers

Delineators – NJDOT specification

Flexible delineators

Parking stops

Traffic barricades  
Traffic cones – NJDOT specification

Miscellaneous Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Awards and plaques  
Industrial drums  
Manual-grade strapping  
Mats  
Pallets  
Signage  
Sorbents

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EXHIBIT F-1 through F-12  
Compliance Documents  
Informational Only

## **COMPLIANCE:**

## **EXHIBITS F1 – F12**

This Attachment describes the compliance requirements and includes exhibits containing several forms, instructions and samples.

When preparing your firm's proposal in response to this solicitation, keep in mind that, in the RFQ/P – RFP, the word "shall" or "must" denotes proposal items which are mandatory for a proposal to be complete; the word "should" denotes proposal items which are recommended, but not mandatory; and the word "may" denotes proposal items which are permissible, but not mandatory.

Due to the expedited nature of this proposal, the Authority strongly recommends that, **ALL COMPLIANCE FORMS BE COMPLETED, SIGNED AND RETURNED WITH THE PROPOSAL** including those related to the disclosure of political campaign contributions - Forms for *P.L. 2005, c.51 Special Provision – Political Campaign Contributions*.

**PLEASE NOTE THAT THE FORMS IDENTIFIED AT PARAGRAPHS G AND H ARE MANDATORY AND MUST BE INCLUDED WITH THE PROPOSAL.**

### **A. EQUAL EMPLOYMENT OPPORTUNITY:**

Bidders are required to comply with the requirements of P.L. 1975 C. 127 – N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq., which are expressly included within the terms of this RFQ/P, refer to **Exhibit F-1**. As part of the Proposal submission, all entity(s) must either complete AA302 *Employee Information Report form*, a sample of which is attached as **Exhibit F-2**, or submit a valid *Certificate of Employee Information Report*, a sample of which is attached as **Exhibit F-3**, or a valid *Letter of Federal Affirmative Action Plan Approval*, a sample of which is attached as **Exhibit F-4**.

### **B. BUSINESS REGISTRATION- Public Law 2001, chapter 134; Public Law 2004, chapter 57; and Public Law 2009, chapter 315:**

Each entity responding to this *RFQ/P* must be registered with the New Jersey Department of Taxation – Division of Revenue and obtain a "*Business Registration Certificate*" ("*BRC*"), prior to entering into a contract with the New Jersey Economic Development Authority ("Authority"). All New Jersey and out-of-State business organizations must obtain a "*BRC*", prior to conducting business with the New Jersey Economic Development Authority. Proposers and any joint venture partners submitting a proposal are strongly encouraged to submit their "*Business Registration Certificate(s)*", as well as the "*Business Registration Certificate*" for any named subcontractors with the proposal. The successful Proposer is required to ensure that it, each joint venture partner and all subcontractors possess a valid "*Business Registration Certificate*" throughout the term of the contract and any extensions thereto.

A sample "*Business Registration Certificate*" is attached to this *RFQ/P*, as **Exhibit F-5**.

The Authority cannot award a contract unless a valid "*Business Registration Certificate*" is obtained for each entity, as required by law. In the event the Proposer, joint venture partners and / or any named subcontractors are unable to provide evidence of possessing a valid "*Business Registration Certificate*" prior to the award of a contract; the proposal may be deemed materially non-responsive.

During the term of the contract and any extensions thereto, and prior to performing any work against said contract, the successful Proposer must obtain and submit to the Authority, proof of a valid "*BRC*" registration for any subcontractor who will perform work against the resulting contract. Upon notification from the Authority of intent to award a contract, the successful Proposer must provide written notice to all its intended subcontractors, if applicable, that they are required to submit a copy of their "*Business Registration Certificate*" to the Contractor. The Contractor shall maintain and submit to the Authority a list of subcontractors and their current addresses, updated as necessary, during the course of the contract performance. No subcontract shall be entered into with a subcontractor for work under this contract, unless the subcontractor first provides to the Contractor, proof of the subcontractor's valid "*BRC*" registration.

As required by law, the Authority cannot award a contract to any Proposer or joint venture partners, which does not possess a valid "*Business Registration Certificate*".

The business registration form (Form NJ-REG) can be found online at

<http://www.state.nj.us/treasury/revenue/gettingregistered.htm#busentity>.

Proposers may go to [www.nj.gov/njbgs](http://www.nj.gov/njbgs) to register with the Division of Revenue or to obtain a copy of an existing "Business Registration Certificate".

**INDIVIDUALS**, who may be responding to this RFQ/P, or who may perform work against the contract as a subcontractor MUST also possess a valid "Business Registration Certificate". The individual must complete and sign form "NJ-REG-A" (Rev 12/06) and submit to the Department of Treasury. Evidence of registration with the Department of Treasury – Client Registration Bureau should be submitted with the bid proposal.

The "NJ-REG-A" form may be found at the Department of Treasury's website:

[http://www.state.nj.us/treasury/revenue/pdforms/reg\\_a.pdf](http://www.state.nj.us/treasury/revenue/pdforms/reg_a.pdf)

The contractor and any subcontractor / subconsultant providing goods or performing services under this contract, and each of their affiliates, shall, during the term of the contract, collect and remit to the Director of the Division of Taxation in the Department of the Treasury the use tax due pursuant to the "Sales and Use Tax Act", P.L. 1966, c. 30 (N.J.S.A. 54:32B-1 et seq.) on all their sales of tangible personal property delivered into the State (reference **Exhibit F-6**).

Any Bidder, inclusive of any named subcontractors, which does not possess a valid Business Registration at the time of the bid proposal submission opening or whose BRC was revoked prior to the submission of the proposal should proceed immediately to register its business or seek re-instatement of a revoked BRC. Bidders are cautioned that it may require a significant amount of time to secure the re-instatement of a revoked BRC. The process can require actions by both the Division of Revenue and the Division of Taxation. For this reason, a Bidder's early attention to this requirement is highly recommended. The Bidder and its named subcontractors may register with the Division of Revenue, obtain a copy of an existing BRC or obtain information necessary to seek re-instatement of a revoked BRC online at <http://www.state.nj.us/treasury/revenue/busregcert.shtml>.

A Bidder otherwise identified by the Division as a responsive and responsible Bidder, inclusive of any named subcontractors, but that was not business registered at the time of submission of its quotation must be so registered and in possession of a valid BRC by a deadline to be specified in writing by the Division. A Bidder who fails to comply with this requirement by the deadline specified by the Division will be deemed ineligible for contract award. Under any circumstance, the Division will rely upon information available from computerized systems maintained by the State as a basis to verify independently compliance with the requirement for business registration.

A Bidder receiving a contract award as a result of this procurement and any subcontractors named by that Bidder will be required to maintain a valid business registration with the Division of Revenue for the duration of the executed contract, inclusive of any contract extensions.

**C. PUBLIC LAW 2005, c.92 - N.J.S.A. 52:34-13.2 - SOURCE DISCLOSURE:**

In compliance with *Public Law 2005, c.92* and *N.J.S.A. 52:34-13.2*, each entity submitting a response to this RFQ/P is required to indicate on the attached "Source Disclosure Certification" form, attached as **Exhibit F-7**, **the location by country** where services rendered pursuant to this RFQ/P will be performed. This should be submitted with the bid proposal but shall be submitted before execution of the contract.

**D. EXECUTIVE ORDER 34 (2006) COMPLIANCE:**

In accordance with *Executive Order 34 (2006)*, the Authority encourages the use of Minority-Owned Business Enterprises (MBEs) and Woman-Owned Business Enterprises (WBEs) entities and MBE and WBE subconsultants.

**E. SET- ASIDE:**

In accordance with the requirements of *N.J.A.C. 17:13* and *N.J.A.C. 17:14*, as amended, the New Jersey Economic Development Authority is required to develop a set-aside business plan for Small Business Enterprises (SBEs). The Authority encourages the participation of SBE firms as certified by the Department of

Treasury, Division of Minority and Women Business Development for the services subject to this *RFQ/P*. Information regarding SBE certification can be obtained by contacting the Office of Business Services at (609) 292-2146 or at their offices at 33 West State Street, P.O. Box 820, Trenton, NJ 08625-0820 or on-line, via the State's Business website at:

<http://www.newjerseybusiness.gov>

It is the Authority's goal to award twenty-five (25%) percent of the dollar value of its contract to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than one hundred (100) full-time employees, and whose gross revenues do not exceed \$12 million dollars or the applicable annual revenue standards set forth in *13 CFR 121.201*, incorporated herein by reference and as may be adjusted periodically, whichever is higher, and satisfies any additional eligibility standards under this chapter.

(reference [www.sba.gov/tools/resource/library/laws.and.regulations/index.html](http://www.sba.gov/tools/resource/library/laws.and.regulations/index.html)),

(NAICS Codes can be obtained at [www.census.gov/epcd/www/naics.html](http://www.census.gov/epcd/www/naics.html))

#### **FOR GOODS AND SERVICES:**

It is the New Jersey Economic Development Authority's goal to award:

- Ten (10%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, and whose gross revenues do not exceed **\$500,000**;
- Fifteen (15%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated has no more than 100 full-time employees, and whose gross revenues do not exceed **\$12 million dollars** or the applicable federal revenue standards established at *13 CFR 121.201* incorporated herein by reference, whichever is higher.

Therefore, all Proposers and their named subcontractors should complete the attached "*Set Aside Information Form*" (***Exhibit F-8***) and submit it with the proposal.

#### **FOR CONSTRUCTION CONTRACTS:**

It is the Authority's overall program goal to award:

- Five (5%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, and whose gross revenues do not exceed \$3 million; and satisfies any additional eligibility standards under N.J.A.C. 17:14 et seq.;
- Five (5%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, and whose gross revenues do not exceed 50 per cent of the applicable revenue standards set forth in *13 CFR 121.201*; and satisfies any additional eligibility standards under N.J.A.C. 17:14 et seq.
- Five (5%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, has gross revenues that do not exceed the applicable Federal revenue standards referenced at N.J.A.C. 17:14-2.1; and satisfies any additional eligibility standards under N.J.A.C. 17:14 et seq.
- And, at least an additional 10 percent shall be awarded to small businesses registered in any of the above categories.

The Proposer and its named Subconsultants should complete the attached "***Set-Aside Information Form***", as well as the "***Set-Aside Compliance Certificate***" and **submit both with the bid / proposal**. **Failure to complete and submit both the "*Set-Aside Information Form*" and the "*Set-Aside Compliance Certificate*" documents, may result in a delay in evaluating the proposal.**

**In addition, the Proposer should complete and submit the attached “Set Aside Compliance Certificate” (Exhibit F-8) with the proposal.** The “Set Aside Compliance Certificate” is considered a mandatory requirement to be completed and submitted prior to entering into a contract for these services. Failure to complete and submit the “Set Aside Compliance Certificate” will be a sufficient basis to deem the proposal non-responsive.

The Proposer’s “Set-Aside Compliance Certificate” will convey information in sufficient detail to permit the Authority to effectively assess the Proposer’s plan for attaining the specified Set-Aside goal or documenting the Proposer’s good faith effort to meet the Set-Aside goal.

The successful Proposer must submit a “Monthly Status Report” (Exhibit F-9), with its invoice, on a monthly basis to the Authority. Invoices will not be processed unless accompanied by the “Monthly Status Report”.

**F. P.L. 2005, c. 51 SPECIAL PROVISIONS – POLITICAL CAMPAIGN CONTRIBUTIONS - Exhibit F-10:**

On March 22, 2005, Acting Governor Codey signed into law *P.L. 2005, c. 51*, amending and supplementing *N.J.S.A. 19:44A-20.1 et seq.* This legislation supersedes *Executive Order 134 (2004)* (“EO 134”), but essentially codified its substantive provisions aimed at safeguarding the integrity of State government procurement by imposing restrictions to insulate that process from political contributions posing the risk of improper influence, purchase of access, or the appearance thereof. As set forth in detail below, a selected entity will be required to respond in a timely fashion to certification and disclosure requirements that will be issued by the Authority. Under *N.J.S.A. 19:44A-20.24*, the terms and conditions set forth in this section are material terms of the *RFQ/P* and contract.

**(1) Definitions.** For purposes of this section, the following shall be defined as follows:

- (i) “**Contributions**” means a contribution reportable by the recipient under the “*New Jersey Campaign Contributions and Expenditures Reporting Act, P.L. 1973, c. 83 (N.J.S.A. 19:44A-1 et seq.)*,” and implementing regulations set forth at *N.J.A.C. 19-25-7 and N.J.A.C. 19:25-10.1 et seq.* Currently, contributions in excess of \$300.00 during a reporting period are deemed “reportable” under these laws. The provisions of *P.L. 2005, c. 51* **shall apply only to contributions made on or after October 15, 2004.**
- (ii) “**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 New Jersey or any other state or foreign jurisdiction. It also includes (i) all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under *26 U.S.C.A. §527* that is directly or indirectly controlled by the business entity other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person’s spouse or child, residing therewith.

**(2) Prohibited Conduct.** The Authority shall not enter into a contract valued at more than \$17,500 for goods or services with any Business Entity, if the Business Entity solicited or made any contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee and/or election fund of any candidate for a holder of the public office of Governor, or to any State or county political party committee on or after October 15, 2004.

**(3) Certification and Disclosure Requirements:**

- (i) **Requirements for Selected Entity.** The selected entity **shall receive notification that** will, among other things, notify the entity that it must submit a “**Two (2) Year Vendor Certification of Political Contributions Disclosure**” and “**Ownership Disclosure**” forms as provided by the Authority, samples of which are set forth in **Exhibit K** to this *RFQ/P*. Instructions for completing the forms are also included with **Exhibit I**. Failure to submit these forms in a timely fashion shall be cause for rejection of the entity. **Do not include the P.L. 2005, c. 51**

**forms as part of the proposal submission. Only the selected entity(s) will need to complete and submit these forms. Selected entity(s) will be notified by the Authority at the appropriate time.**

- (ii) **Consultant's Continuing Obligation to Comply with P.L. 2005, c. 51.** The selected entity shall be required on a continuing basis to disclose and report to the Authority any contributions made during the contract term by the Business Entity on forms provided by the Authority, at the time it makes the contribution.
- (4) **State Treasurer Review.** Prior to the award of the contract, the State Treasurer or his designee shall review the Disclosures submitted by the apparent successful entity, as well as, any other pertinent information concerning the contributions or reports thereof. This review will also take place on a continuing basis during the term of the contract. If the State Treasurer determines that any contribution or action of the contractor constitutes a breach of contract pursuant to this section, or presents a conflict of interest in the awarding of the contract under this solicitation, the State Treasurer shall disqualify the Business Entity from award of this or any future contract.
- (5) **Breach of Contract.** It shall be a breach of the terms of the contract for the Business Entity to: (i) make or solicit a contribution in violation of P.L. 2005, c. 51, (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 or any candidate or holder of the public office of Governor, or to any State or county party committee; (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 P.L. 2005, c. 51; (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 P.L. 2005, c. 51; or (viii) directly or indirectly through or by any other person or means, do any action which would subject that entity to the restrictions of P.L. 2005, c. 51.
- (6) **Contract Provisions.** Political Campaign Contribution provisions will be included in and be a part of the contract that the selected entity will be required to sign.

**G. DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN – MANDATORY with the proposal.**

Pursuant to N.J.S.A. 52:32-55 *et seq* the Proposer shall complete, sign and submit the "Disclosure of Investment Activities in Iran" form - **Exhibit F-11**.

**H. OWNERSHIP DISCLOSURE FORM – MANDATORY with the proposal**

Pursuant to N.J.S.A. 52:25-24.2, in the event the bidder is a corporation, partnership or sole proprietorship, the bidder must complete the attached Ownership Disclosure Form. A current completed Ownership Disclosure Form must be received prior to or accompany the proposal. Failure to submit the form will preclude the award of a contract. - **Exhibit F-12**

The successful entity agrees that it shall comply with all requirements of these provisions. If the successful entity fails to comply with the requirements of these provisions, the Authority may declare any contract for these services void.

**NOTE: Proposers are cautioned that all compliance documents, as required by law, MUST be fully completed, signed and submitted WITH the bid proposal.**

**DO NOT LEAVE A COMPLIANCE DOCUMENT BLANK / INCOMPLETE, with the exception of the P.L. 2005, c.51 forms, which are only required of the successful Proposer. If you believe a particular compliance document is not applicable to your firm, you are encouraged to submit a question during the "Questions& Answers" period, specified in this RFQ/P. If the document does not apply to your company (i.e. the "Set-Aside Information" form (Exhibit H); you should complete all information (i.e. number &RFQ/P title, etc.),mark those areas that are not applicable, with the abbreviation "N/A", sign and return the document with your bid proposal submission. Failure to do so may result in rejection of the proposal.**

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EXHIBIT F-1

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## EXHIBIT A

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

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

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

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

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

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

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

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

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

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

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## EXHIBIT A (continued)

### 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

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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 (3) documents:

- *Letter of Federal Affirmative Action Plan Approval*
- *Certificate of Employee Information Report*
- *Information Report Form AA302* (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, Contract Compliance Audit Unit (CCAU), EEO Monitoring Program as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27**.

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EXHIBIT F-2

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**STATE OF NEW JERSEY**  
Division of Purchase & Property  
Contract Compliance Audit Unit  
EEO Monitoring Program

**EMPLOYEE INFORMATION REPORT**

**IMPORTANT-READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING FORM. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND TO SUBMIT THE REQUIRED \$150.00 FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE. DO NOT SUBMIT EEO-1 REPORT FOR SECTION B, ITEM 11. For Instructions on completing the form, go to: [http://www.state.nj.us/treasury/contract\\_compliance/pdf/aa302ins.pdf](http://www.state.nj.us/treasury/contract_compliance/pdf/aa302ins.pdf)**

**SECTION A - COMPANY IDENTIFICATION**

1. FID. NO. OR SOCIAL SECURITY	2. TYPE OF BUSINESS <input type="checkbox"/> 1. MFG <input type="checkbox"/> 2. SERVICE <input type="checkbox"/> 3. WHOLESALE <input type="checkbox"/> 4. RETAIL <input type="checkbox"/> 5. OTHER	3. TOTAL NO. EMPLOYEES IN THE ENTIRE COMPANY			
4. COMPANY NAME					
5. STREET	CITY	COUNTY	STATE	ZIP CODE	
6. NAME OF PARENT OR AFFILIATED COMPANY (IF NONE, SO INDICATE)		CITY	STATE	ZIP CODE	
7. CHECK ONE: IS THE COMPANY: <input type="checkbox"/> SINGLE-ESTABLISHMENT EMPLOYER <input type="checkbox"/> MULTI-ESTABLISHMENT EMPLOYER					
8. IF MULTI-ESTABLISHMENT EMPLOYER, STATE THE NUMBER OF ESTABLISHMENTS IN NJ					
9. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT					
10. PUBLIC AGENCY AWARDDING CONTRACT					
		CITY	COUNTY	STATE	ZIP CODE

Official Use Only	DATE RECEIVED	INAUG. DATE	ASSIGNED CERTIFICATION NUMBER

**SECTION B - EMPLOYMENT DATA**

11. Report all permanent, temporary and part-time employees ON YOUR OWN PAYROLL. Enter the appropriate figures on all lines and in all columns. Where there are no employees in a particular category, enter a zero. Include ALL employees, not just those in minority/non-minority categories, in columns 1, 2, & 3. *DO NOT SUBMIT AN EEO-1 REPORT.*

JOB CATEGORIES	ALL EMPLOYEES			PERMANENT MINORITY/NON-MINORITY EMPLOYEE BREAKDOWN										
	COL. 1 TOTAL (Cols. 2 & 3)	COL. 2 MALE	COL. 3 FEMALE	***** MALE *****					***** FEMALE *****					
				BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON MIN.	BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON MIN.	
Officials/Managers														
Professionals														
Technicians														
Sales Workers														
Office & Clerical														
Craftworkers (Skilled)														
Operatives (Semi-skilled)														
Laborers (Unskilled)														
Service Workers														
TOTAL														
Total employment From previous Report (if any)														
Temporary & Part-Time Employees	The data below shall NOT be included in the figures for the appropriate categories above.													

12. HOW WAS INFORMATION AS TO RACE OR ETHNIC GROUP IN SECTION B OBTAINED? <input type="checkbox"/> 1. Visual Survey <input type="checkbox"/> 2. Employment Record <input type="checkbox"/> 3. Other (Specify)	14. IS THIS THE FIRST Employee Information Report Submitted? 1. YES <input type="checkbox"/> 2. NO <input type="checkbox"/>	15. IF NO, DATE LAST REPORT SUBMITTED MO. DAY YEAR
13. DATES OF PAYROLL PERIOD USED From: _____ To: _____		

**SECTION C - SIGNATURE AND IDENTIFICATION**

16. NAME OF PERSON COMPLETING FORM (Print or Type)	SIGNATURE	TITLE	DATE MO   DAY   YEAR		
17. ADDRESS NO. & STREET	CITY	COUNTY	STATE	ZIP CODE	PHONE (AREA CODE, NO., EXTENSION)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NJ Department of the Treasury

Division of Public Contracts

Equal Employment Opportunity Compliance

P.O. Box 206

Trenton, New Jersey 08625-0206

Telephone No. (609) 292-5473

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EXHIBIT F-3

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Certification

**CERTIFICATE OF EMPLOYEE INFORMATION REPORT**

**UNKNOWN**

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of

[ **SAMPLE** ]



*John P. ...*

State Treasurer

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EXHIBIT F-4

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## Sample Federal Letter of Approval

U.S. Department of Labor

Employment Standards Administration  
Office of Federal Contract Compliance Programs  
Newark Area Office  
124 Evergreen Place, Fourth Floor  
East Orange, NJ 07108



February 27, 20\_\_

Dear

Our recent compliance review of your establishment's equal employment opportunity policies and practices was completed on February 27, 20\_\_.

We found no apparent deficiencies or violations of Executive Order 11266, as amended, Section 503 of the Rehabilitation Act of 1973 or 38 USC 2012 (the Vietnam Era Veterans Readjustment Assistance Act). Accordingly, your establishment is deemed to be in compliance with these laws based on the material reviewed.

The Office of Federal Contract Compliance Programs sincerely appreciates the cooperation and courtesies extended by you and your staff during the conduct of the compliance review.

Sincerely,

Area Office Director.

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EXHIBIT F-5

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**STATE OF NEW JERSEY  
BUSINESS REGISTRATION CERTIFICATE**

Taxpayer Name:

Trade Name:

Address:

Certificate Number:

Date of Issuance:

For Office Use Only:

20050705105635523

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EXHIBIT F-6

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# **Business Registration Certificate (BRC)**

(All contracts no type or dollar limit)

(9/1/04)

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A BRC serves as proof of a valid business registration with the New Jersey Division of Revenue.

- **Any business including an out-of-state business** with a presence or nexus in NJ, operating as a corporation, limited partnership, limited liability company, or limited liability partnership must first obtain legal authority to operate in this State prior to submitting form NJ-REG. Generally this is accomplished by filing a “Certificate of Incorporation” or Formation with the division.
  - **Out-of-State business** that believe they do not have state tax nexus, will file a paper form NJ-REG in order to obtain a BRC. Business entities that file form NJ-REG only will be subject to a nexus review, initiated and conducted by the Division of Taxation.
  - **Individuals with no business tax or employer obligations** may register using form REG-A instead of form NJ-REG in order to obtain the BRC. Individuals who have created and are operating as a business entity (e.g. LLC) may not use form REG-A
  - **Non-profit organizations** although required to register for tax purposes, are not subject to the proof of registration requirements when contracting with the Authority
-

## Registering A Business with the New Jersey Department of the Treasury

Business organizations or individuals doing business in New Jersey are required to register with the Department of the Treasury, Division of Revenue. Registration is free and is a one-time action - there are no fees to register. However, you should update your contact and tax eligibility information as needed. Registration is required to conduct most business with any state, county, municipal, local board of education, charter school, county college, authority, or state college or university. The contracting agency may be required to have a copy of the "proof of registration certificate" submitted as part of a public bid or prior to issuing a purchase order.

**To register:** Businesses must complete **Form NJ-REG** and submit it to the Division of Revenue. The form can be filed form online or by mailing a paper form to the Division. Online filing is strongly encouraged.

- Register online at [www.nj.gov/treasury/revenue/taxreg.htm](http://www.nj.gov/treasury/revenue/taxreg.htm). Click the "online" link and then select "Register for Tax and Employer Purposes."
- Download the paper form and instructions at [www.nj.gov/treasury/revenue/revpmt.htm](http://www.nj.gov/treasury/revenue/revpmt.htm).
- Call the Division at 609-292-1730 to have a form mailed to you.
- Write to the Division at: Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

Note: If you operate a corporation, limited partnership, limited liability company or limited liability partnership, before registering, you must obtain legal authority to operate in the State of New Jersey. Generally, this is accomplished by filing an original business certificate with the Division of Revenue, such as a Certificate of Incorporation or Formation. For more information on this subject, visit [www.nj.gov/treasury/revenue/fileccerts.htm](http://www.nj.gov/treasury/revenue/fileccerts.htm), or call 609-292-9292.

**Registering as an individual:** There is a simplified registration process for individuals doing business with any New Jersey government agency. The form (NJ-REG-A) may be on the back of this form. If not, it can be downloaded from the web at [www.nj.gov/treasury/revenue/pdf/forms/reg\\_a.pdf](http://www.nj.gov/treasury/revenue/pdf/forms/reg_a.pdf). To obtain a copy by mail, call 609-292-1730, or write to the Division at the Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

**Questions about the registration process?** Call 609-292-1730 or submit by e-mail at [www.nj.gov/treasury/revenue/revcontact.html](http://www.nj.gov/treasury/revenue/revcontact.html).

### How do I receive the proof of registration certificate?

- New registrants. When completing Form NJ-REG, make sure you answer "Yes" to the contractor/sub-contractor question (Online - Item 17; Paper Form - Item 18). The Division of Revenue will mail the certificate to the mailing address you supply on your registration form.
- Previously Registered Businesses. Call 609-292-1730 and select option 3. The Division of Revenue's service agents will take your order and mail you a certificate. Please allow 7 to 10 working days to receive your certificate. Alternately, you may visit the Division's Client Registration Bureau in person and request a certificate. The address is 847 Roebling Avenue, Trenton, NJ 08611. Service desk hours are 8:30am to 4pm, weekdays, excluding holidays.

**What information does the proof of registration contain?** The certificate displays the following information: Business Name, Trade Name (If Applicable), Tax Payer ID (Usually the Employer Identification Number), Business Address, Contractor Certification Number (State Issued), Certification Issuance Date, Effective Date (Business Start Date Entered on Form NJ-REG).

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EXHIBIT F-7

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**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**  
**SOURCE DISCLOSURE CERTIFICATION**

*PUBLIC LAW 2005, CHAPTER 92 –*  
*N.J.S.A. 52:34-13.2*

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**Required for All Procurements of Services**

All Vendors seeking to enter into any contract with the New Jersey Economic Development Authority, in which services are procured, must disclose the following:

- the location **by country** where services under the contract will be performed; and
- any subcontracting of services under the contract and the location **by country** where any subcontracted services will be performed.

The New Jersey Economic Development Authority cannot award a contract to a Vendor that does not provide all disclosures, as required.

The Authority cannot award a contract to a Vendor that submits a bid or proposal to perform services or have a subcontractor perform services outside the United States, unless one of the following conditions is met:

- the Vendor or its subcontractor provides a unique service and no comparable domestically-provided service can adequately duplicate the unique features of the service provided by the vendor or its subcontractor; or
- a significant and substantial economic cost factor exists such that a failure to use the vendor's or subcontractor's services would result in economic hardship to the New Jersey Economic Development Authority; or
- the Director – Internal Process Management shall determine whether sufficient justification has been provided by the Bidder to form the basis of its certification that the services cannot be performed in the United States and whether to seek the approval of the Chief Executive Officer of the New Jersey Economic Development Authority, in accordance with the requirements of *N.J.S.A. 52:34-13.2*.

If during the term of the contract or any extensions thereto, it is determined that the Bidder has shifted services declared above to be provided within the United States, to sources outside the United States, prior to a written determination by the Authority's Director – Internal Process Management, that extraordinary circumstances require the shift of services or that the failure to shift the services would result in economic hardship to the New Jersey Economic Development Authority, the Bidder shall be deemed in breach of contract, which contract will be subject to termination for cause.



**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY  
"SOURCE DISCLOSURE CERTIFICATION"**

Bidder: \_\_\_\_\_ Contract / PO Number: \_\_\_\_\_  
(e.g. "ABC Company Inc., LLC") (e.g. "2010-RFQ/P-001" or "1234")

I hereby certify and say:

I have personal knowledge of the facts set forth herein and am authorized to make this Certification on behalf of the Bidder.

The Bidder submits this Certification as part of a bid proposal in response to the referenced solicitation issued by the New Jersey Economic Development Authority, so that it can comply with the requirements of *Public Law 2005, Chapter 92 - N.J.S.A. 52:34-13.2*.

**Instructions:**

**List every location where services will be performed by the Bidder and all subcontractors.**

If any of the services cannot be performed within the United States, the Bidder shall state, with specificity, the reasons why the services cannot be so performed. **Attach additional pages if necessary.**

<b>Bidder and / or Subcontractor(s)</b> (e.g.) "ABC Company Inc., LLC"	<b>Description of Services</b> (e.g.) "Underwriting"	<b>Performance Locations(s) by COUNTRY</b> (e.g.) "U.S.A." or "India"	<b>Reasons why services cannot be performed in USA</b> (e.g.) "not applicable" or "see attached"
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Any changes to the information set forth in this Certification during the term of any contract awarded under the referenced solicitation or extension thereof, will be immediately reported by the successful Bidder to the Director - Internal Process Management, New Jersey Economic Development Authority, P.O. Box 990, Trenton, New Jersey 08625-0990.

The Director shall determine whether sufficient justification has been provided by the Bidder to form the basis of his certification that the services cannot be performed in the United States and whether to seek the approval of the Chief Executive Officer of the New Jersey Economic Development Authority, in accordance with the requirements of *N.J.S.A. 52:34-13.2*.

I understand that, if after award of a contract to the Bidder, it is determined that the Bidder has shifted services declared above to be provided within the United States, to sources outside the United States, prior to a written determination by the Director that extraordinary circumstances require the shift of services or that the failure to shift the services would result in economic hardship to the New Jersey Economic Development Authority; the Bidder shall be deemed in breach of contract, which contract will be subject to termination for cause.

I further understand that this Certification is submitted on behalf of the Bidder in order to induce the New Jersey Economic Development Authority to accept a bid proposal, with knowledge that the New Jersey Economic Development Authority will rely upon the truth of the statements contained herein.

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

Bidder: \_\_\_\_\_  
(Name of Bidding Organization or Entity)

By: \_\_\_\_\_ Title: \_\_\_\_\_  
(Bidding Entity Representative's Signature)

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_  
(Bidding Entity Representative's Name)

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EXHIBIT F-8

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**IMPORTANT: This DOCUMENT should be SUBMITTED with the BID / PROPOSAL.**

**SET ASIDE:**

In accordance with the requirements of N.J.A.C. 17:13 and N.J.A.C. 17:14, as amended, the Authority is required to develop a set-aside business plan for Small Business Enterprises (SBEs). The Authority encourages the participation of SBE firms as certified by the New Jersey Department of Treasury, Division of Revenue – Small Business Registration and M/WBE Certification Services Unit for the services subject to this RFQ/P. Information regarding SBE registration can be obtained by contacting the Division of Revenue – Small Business Registration and M/WBE Certification Services Unit (609) 292-2146 or at P.O. Box 455, Trenton, NJ 08626 or on-line, via the State's Business website at:

<http://www.newjerseybusiness.gov>

It is the Authority's goal to award twenty-five (25%) percent of the dollar value of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than one hundred (100) full-time employees, and whose gross revenues do not exceed \$12 million dollars or the applicable annual revenue standards set forth in *13 CFR 121.201*, incorporated herein by reference and as may be adjusted periodically, whichever is higher, and satisfies any additional eligibility standards under this chapter.

(reference [www.sba.gov/tools/resourcelibrary/laws.and.regultaions/index.html](http://www.sba.gov/tools/resourcelibrary/laws.and.regultaions/index.html)),

(NAICS Codes can be obtained at [www.census.gov/eprd/www/naics.html](http://www.census.gov/eprd/www/naics.html))

**FOR GOODS AND SERVICES:**

It is the Authority's goal to award:

- Ten (10%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, and whose gross revenues do not exceed **\$500,000**;
- Fifteen (15%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated has no more than 100 full-time employees, and whose gross revenues do not exceed **\$12 million dollars** or the applicable federal revenue standards established at *13 CFR 121.201* incorporated herein by reference, whichever is higher.

**FOR CONSTRUCTION CONTRACTS:**

It is the Authority's overall program goal to award:

- Five (5%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, and whose gross revenues do not exceed \$3 million; and satisfies any additional eligibility standards under N.J.A.C. 17:14 et seq.;
- Five (5%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, and whose gross revenues do not exceed 50 per cent of the applicable revenue standards set forth in *13 CFR 121.201*; and satisfies any additional eligibility standards under N.J.A.C. 17:14 et seq.

**IMPORTANT: This DOCUMENT should be SUBMITTED with the BID / PROPOSAL.**

- Five (5%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, has gross revenues that do not exceed the applicable Federal revenue standards referenced at N.J.A.C. 17:14-2.1; and satisfies any additional eligibility standards under N.J.A.C. 17:14 et seq.
- And, at least an additional 10 percent shall be awarded to small businesses registered in any of the above categories.

The Proposer and its named Subconsultants should complete the attached ***"Set-Aside Information Form"***, as well as the ***"Set-Aside Compliance Certificate"*** and **submit both with the bid / proposal.** Failure to complete and submit both the ***"Set-Aside Information Form"*** and the ***"Set-Aside Compliance Certificate"*** documents, may result in a delay in evaluating the proposal.

The Proposer's / Bidder's *"Set Aside Compliance Certificate"* will convey information in sufficient detail to permit the Authority to effectively assess the Proposer's / Bidder's plan for attaining the specified set-aside goal or documenting the Proposer's / Bidder's good faith effort to meet the set-aside goal.

The successful Proposer / Bidder must submit a *"Monthly Status Report"*, with its invoice, on a monthly basis to the Authority. Invoices will not be processed unless accompanied by the *"Monthly Status Report"*.

**IMPORTANT: This DOCUMENT should be SUBMITTED with the BID / PROPOSAL.**



**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY  
SET-ASIDE COMPLIANCE CERTIFICATE  
CONSTRUCTION CONTRACTS  
SMALL BUSINESS ENTERPRISE (SBE)**

**Name of Firm:** \_\_\_\_\_  
("The Firm")

**Street Address:** \_\_\_\_\_

**City, State, Zip Code:** \_\_\_\_\_

**Contact Name and Title:** \_\_\_\_\_

**E-Mail:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

I hereby certify that the Firm will comply with New Jersey laws pertaining to set-aside contracts and am aware that the Firm is subject to criminal and civil penalties, including debarment, in the event of non-compliance. I further certify that the Firm will make a good faith effort to meet the set aside goals and am aware that the Firm must document these efforts and supply such documentation to the New Jersey Economic Development Authority.

I am aware that, if awarded a contract, the Firm must submit a *Monthly Status Report* with all invoices, to the Authority and that invoices will not be processed unless accompanied by the *Monthly Status Report*. I am also aware that failure to complete and submit this "Set-Aside Compliance Certificate", as well as the "Set Aside Information Form" (included in this RFQ/P) may result in a delay in evaluating the proposal.

The Firm lists the following pool of certified SBE subcontractor firms by attaching a copy of "Set-Aside Information Form") for each subcontractor, in order to permit the Authority to effectively assess the Firm's plan for attaining the specified set-aside goals and / or documenting the Firm's good faith effort to meet the set-aside goals:

- Small Businesses with Gross Revenues that *do not* exceed \$ 3,000,000 ( 5%);
- Small Businesses with Gross Revenues that *do not* exceed 50% of the applicable revenue standards set forth in Federal regulation at 13 CFR 121.201 ( 5%);
- Small Businesses with Gross Revenues that *do not* exceed the applicable revenue standards set forth in 13 CFR 121.201 (5%);
- And, at least an additional 10% shall be awarded to small businesses registered in any of the above categories (10%).

**Dated:** \_\_\_\_\_

**By:** \_\_\_\_\_  
*Name of Authorized Representative of Firm Noted Above*

\_\_\_\_\_  
*Print Name of Authorized Representative Signing Document*

\_\_\_\_\_  
*Title of Authorized Representative*



**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY  
SET ASIDE INFORMATION FORM**

**CONSTRUCTION CONTRACTSRFP #:** \_\_\_\_\_

**PROJECT NAME:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_

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

**City, State, Zip Code:** \_\_\_\_\_

**Contact Name and Title:** \_\_\_\_\_

**E-Mail:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Are you registered with the NJ Department of Treasury, Division of Revenue—Small Business Registration and M/WBE Certification Services Unit (Business Call Center - 609-292-2146) as a Small Business Enterprise (SBE)?**

\_\_\_\_\_ **Yes** \_\_\_\_\_ **No** [If yes, attach copy of Certificate of Registration]

**If Yes, Registration Number:** \_\_\_\_\_

**If no, have you applied with Commerce to become registered?** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Application date:** \_\_\_\_\_

**Type of Business:** \_\_\_\_\_

**Is your company a corporation:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Is your Company a Small Business [no more than 100 full-time employees] in one of the following categories?:**

\_\_\_\_\_ **Small Business with Gross Revenues that do not exceed \$3,000,000.**

\_\_\_\_\_ **Small Business with Gross Revenues that do not exceed 50 percent of the applicable Federal Revenue Standards established at 13 CFR 121.201.**

\_\_\_\_\_ **Small Business with Gross Revenues that do not exceed the applicable annual revenue standards set forth in 13 CFR 121.201.**

**Is your company a Minority-Owned Business?** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No** [optional]

**If yes, please specify Ethnicity:** \_\_\_\_\_ [optional]

**Is your company a Woman-Owned Business?** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No** [optional]

**Please answer all questions, check those responses that apply, and return to:**

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY  
ATTN: Real Estate Division  
P.O. Box 990  
Trenton, NJ 08625-0990**

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EXHIBIT F-9

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**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY  
MONTHLY STATUS REPORT - CONSTRUCTION RELATED SERVICES**

<b>1. Project Name:</b>	<b>2. Original Contract Amount:</b>
<b>Primary Firm:</b>	<b>2a. Current Contract Amount:</b>
<b>Invoice Date:</b> <b>Invoice No.:</b>	<b>2b. Amount Billed to Date (including this invoice):</b>
	<b>2c. Invoice Amount:</b>

1 List all Contracted SBE firms  (Attach Certification or Registration form)	2 Category [SBE < \$1 million] [SBE > \$1 million <i>but not exceeding annual revenue standards set forth in 13 CFR 121.201 - include SBE's NAICS Code #]</i>	3 Specify Work Items to be Completed by SBE Firm	4 Dollar Amount of Executed Contract	5 Dollar Amount Paid to SBE Firm on this Invoice	6 Dollar Amount Paid to Date to SBE Firm	7 Total \$ Paid to SBE Firms to Date	8 Percentage of \$ Paid to Date (7/2a)	9 Total Percentage for Contract (4/2a)	10 Is Firm a MBE? (Yes/No)  [Optional]	11 Is Firm a WBE? (Yes/No)  [Optional]	12 Is Firm's Business Registration on file at NJEDA? (Yes/No)  (If no, attach)	13 Is Firm's Contractor Registration on file at NJEDA? (Yes/No)  (If no, attach)
						<b>SBE &lt; \$1 million</b>						
						<b>SBE &gt; \$1 million <i>but not exceeding annual revenue standards set forth in 13 CFR 121.201</i></b>						

<p>14. I certify that the above firms were awarded contracts, that the amounts listed are accurate, and that payments were made in accordance with contractual obligations. Canceled checks and/or supporting information will be on file for inspection or audit. I further certify that all certification &amp;/or registration forms are valid.</p> <p>_____ COMPANY OFFICIAL'S SIGNATURE PRINT NAME:_____</p> <p>_____ DATE</p> <p>_____ TELEPHONE #</p> <p align="center">_____ <b>EDA Project Officer Approval:</b></p>	<p>Any questions regarding this form should be directed to Nancy Meyers at (609)-858-6714.</p> <p><b><u>Please return this form with your monthly invoice to:</u></b></p> <p>New Jersey Economic Development Authority Real Estate Development Division P.O. Box 990 Trenton, NJ 08625-0990</p>
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EXHIBIT F-10

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## CHAPTER 51

**AN ACT** concerning campaign contributions by certain business entities seeking or holding State contracts, supplementing P.L.1973, c.83 (C.19:44A-1 et seq.), amending P.L.2004, c.19, and repealing section 1 of P.L.2004, c.19 (C.19:44A-20.2).

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.19:44A-20.13 Findings, declarations relative to certain campaign contributions by business entities.

1. The Legislature finds and declares that:

In our representative form of government, it is essential that individuals who are elected to public office have the trust, respect and confidence of the citizenry; and

All individuals, businesses, associations, and other persons have a right to participate fully in the political process of New Jersey, including making and soliciting contributions to candidates, political parties and holders of public office; and

When a person or business interest makes or solicits major contributions to obtain a contract awarded by a government agency or independent authority, this constitutes a violation of the public's trust in government and raises legitimate public concerns about whether the contract has been awarded on the basis of merit; and

The growing infusion of funds donated by business entities into the political process at all levels of government has generated widespread cynicism among the public that special interest groups are "buying" favors from elected officeholders; and

For the purposes of protecting the integrity of government contractual decisions and of improving the public's confidence in government, it is a compelling interest of this State to prohibit awarding government contracts to business entities which are also contributors to candidates, political parties and the holders of public office; and

There exists the perception that campaign contributions are often made to a State or county political party committee by an individual or business seeking favor with State elected officials, with the understanding that the money given to such a committee will be transmitted to other committees in other parts of the State, or is otherwise intended to circumvent legal restrictions on the making of political contributions or gifts directly to elected State officials, thus again making elected State officials beholden to those contributors; and

County political party committees, through their powers of endorsement, fundraising, ballot slogan or party line designation, and other means, exert significant influence over the gubernatorial primary and general election process; and

Although the right of individuals and businesses to make campaign contributions is unequivocal, that right may be limited, even abrogated, when such contributions promote the actuality or appearance of public corruption; and

It is essential that the public have confidence that the selection of State contractors is based on merit and not on political contributions made by such contractors and it is essential that the public have trust in the processes by which taxpayer dollars are spent; and

It has long been the public policy of this State to secure for the taxpayers the benefits of competition, to promote the public good by promoting the honesty and integrity of bidders for public contracts and the system, and to guard against favoritism, improvidence, extravagance and corruption in order to benefit the taxpayers; and

In the procurement process, our public policy grants to the State broad discretion, taking into consideration all factors, to award a contract to a bidder whose proposal will be most advantageous to the State; and

The operations of the State government must be effectively and fairly managed to ensure public order and prosperity, and malfeasance, in whatever form it may take, must be confronted and uprooted; and

The Legislature must safeguard the integrity of State government procurement by imposing restrictions on State agencies and independent authorities to insulate the negotiation and award of State contracts from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof.

C.19:44A-20.14 Contributors, certain; ineligibility to enter into agreement with the State or its authorities.

2. The State or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure from any business entity services or any material, supplies or equipment, or to acquire, sell, or lease any land or building, where the value of the transaction exceeds \$17,500, if that business entity has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee or election fund of any candidate or holder of the public office of Governor, or to any State or county political party committee: (i) within the eighteen months immediately preceding the commencement of negotiations for the contract or agreement; (ii) during the term of office of a Governor, in the case of contributions to a candidate committee or election fund of the holder of that office, or to any State or county political party committee of a political party nominating such Governor in the last gubernatorial election preceding the commencement of such term; or (iii) within the eighteen months immediately preceding the last day of the term of office of Governor, in which case such prohibition shall continue through the end of the next immediately following term of the office of Governor, in the case of contributions to a candidate committee or election fund of the holder of that office, or to any State or county political party committee of a political party nominating such Governor in the last gubernatorial election preceding the commencement of the latter term.

C.19:44A-20.15 Certain contributions prohibited by certain contractors of the State or its authorities.

3. No business entity which agrees to any contract or agreement with the State or any department or agency thereof or its independent authorities either for the rendition of services or furnishing of any material, supplies or equipment or for the acquisition, sale, or lease of any land or building, if the value of the transaction exceeds \$17,500, shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to a candidate committee or election fund of any candidate or holder of the public office of Governor or to any State or county political party committee prior to the completion of the contract or agreement.

C.19:44A-20.16 "Contribution" defined.

4. For the purposes of this act, a "contribution" means a contribution reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.) made on or after the effective date of this act.

C.19:44A-20.17 "Business entity" defined.

5. For the purposes of this act, a "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 any other state or foreign jurisdiction. The definition of a business entity includes: (i) all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person's spouse or child, residing therewith, are also included within this definition.

C.19:44A-20.18 Report of contributions by business entities as part of State procurement process.

6. Prior to awarding any contract or agreement to procure services or any material, supplies or equipment from, or for the acquisition, sale, or lease of any land or building from or to, any business entity, the State or any of its purchasing agents or agencies, as the case may be, shall require, as part of the procurement process, the business entity to report all contributions the business entity made during the preceding four years to any political organization organized

under section 527 of the Internal Revenue Code that also meets the definition of a "continuing political committee" within the meaning of section 3 of P.L.1973, c.83 (C.19:44A-3). Such reporting shall be made in a manner and form to be developed by the State Treasurer with the advice of the New Jersey Election Law Enforcement Commission, which agencies shall promulgate regulations to effect and implement this disclosure obligation. Such reports shall be subject to review by the State Treasurer. If the State Treasurer determines that any such contribution, or any other act that would constitute a breach of contract pursuant to section 9 of this act, poses a conflict of interest in the awarding of any contract or agreement, the State Treasurer shall disqualify such business entity from bidding on or being awarded such contract or agreement.

C.19:44A-20.19 Written certification by business entities relative to contributions.

7. Prior to awarding any contract or agreement to procure services or any material, supplies or equipment from, or for the acquisition, sale, or lease of any land or building from or to, any business entity, the State or any of its purchasing agents or agencies or independent authorities, as the case may be, shall require the business entity to provide a written certification that it has not made a contribution that would bar the award of the contract pursuant to this act. The business entity shall have a continuing duty to report any contribution it makes during the term of the contract. Such reports shall be subject to review by the State Treasurer. If the State Treasurer determines that any such contribution poses a conflict of interest, such contribution shall be deemed a material breach of such contract or agreement.

C.19:44A-20.20 Request for reimbursement of contribution.

8. If a business entity inadvertently makes a contribution that would otherwise bar it from receiving a contract or makes a contribution during the term of a contract in violation of this act, the entity may request a full reimbursement from the recipient and, if such reimbursement is received within 30 days after the date on which the contribution was made, the business entity would again be eligible to receive a contract or would no longer be in violation, as appropriate. It shall be presumed that contributions made within 60 days of a gubernatorial primary or general election were not made inadvertently.

C.19:44A-20.21 Breach of terms of government contract concerning contributions.

9. It shall be a breach of the terms of the government contract for a business entity to: (i) make or solicit a contribution in violation of this act; (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 Governor, or to any State or county party committee; (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 act; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange or contributions to circumvent the intent of this act, 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 act.

C.19:44A-20.22 Exception for public exigency.

10. This act shall not prohibit the awarding of a contract when the public exigency requires the immediate delivery of goods or performance of services as determined by the State Treasurer.

C.19:44A-20.23 Applicability of act to State agencies and authorities.

11. This act shall apply to all State agencies including any of the principal departments in the Executive Branch, and any division, board, bureau, office, commission or other instrumentality within or created by such department and any independent State authority, board, commission,

instrumentality or agency.

C.19:44A-20.24 Contract, bid applications and specs to describe requirements of act.

12. Every contract and bid application and specifications promulgated in connection therewith covered by this act shall contain a provision describing the requirements of this act and a statement that compliance with this act shall be a material term and condition of said contract or bid application and binding upon the parties thereto upon the entry of all applicable contracts.

C.19:44A-20.25 Inapplicability of act under federal law or eminent domain.

13. The provisions of sections 1 through 12 of this act, P.L.2005, c.51, shall not: a. apply in circumstances when it is determined by the federal government or a court of competent jurisdiction that its application would violate federal law or regulation; or b. prevent the State, its executive departments, agencies or independent authorities from complying with all of the requirements, conditions and obligations of the "Eminent Domain Act of 1971," P.L. 1971, c.361 (C.20:3-1 et seq.), as amended and supplemented.

14. Section 6 of P.L.2004, c.19 (C.19:44A-20.7) is amended to read as follows:

C.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;

"fair and open process" means, at a minimum, that the contract shall be: publicly advertised in newspapers or on the Internet website maintained by the public entity in sufficient time to give notice in advance of the contract; awarded under a process that provides for public solicitation of proposals or qualifications and awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications; and publicly opened and announced when awarded. The decision of a public entity as to what constitutes a fair and open process shall be final.

"State agency in the Legislative Branch" means the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch.

15. Section 7 of P.L.2004, c.19 (C.19:44A-20.8) is amended to read as follows:

C.19:44A-20.8 Business entity to provide written certification, ELEC reports.

7. a. Prior to awarding any contract, except a contract that is awarded pursuant to a fair and open process, a State agency in the Legislative Branch, a county, or a municipality shall require the business entity to which the contract is to be awarded to provide a written certification that it has not made a contribution that would bar the award of a contract pursuant to this act.

b. A business entity shall have a continuing duty to report to the Election Law Enforcement Commission any contributions that constitute a violation of this act that are made during the duration of a contract.

Repealer.

16. Section 1 of P.L.2004, c.19 (C.19:44A-20.2) is repealed.

Superseder.

17. Executive Order No. 134 (2004) is hereby superseded.

18. Sections 14, 15 and 16 shall take effect on the original effective date of P.L.2004, c.19

P.L. 2005, CHAPTER 51  
5

(C.19:44A-20.2 et seq.), and the remainder of this act shall take effect immediately and shall be retroactive to October 15, 2004 and shall apply to contributions made and contracts awarded on or after October 15, 2004.

Approved March 22, 2005.

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## INFORMATION AND INSTRUCTIONS

### For Completing the “Two-Year Vendor Certification and Disclosure of Political Contributions” Form

#### Background Information

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

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

#### Two-Year Certification Process

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

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

#### Instructions for Completing the Form

**NOTE:** Please refer to pages 3 and 4 “USEFUL DEFINITIONS for the purposes of Chapter 51 and Executive Order 117” for guidance when completing the form.

#### **Part 1: BUSINESS ENTITY INFORMATION**

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

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

**Vendor Email** – Enter the vendor’s primary email address.

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

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

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

**Part 2: DISCLOSURE OF CONTRIBUTIONS**

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

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

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

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

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

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

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

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

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

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

**Part 3: CERTIFICATION**

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

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

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

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

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

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

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

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

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

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

The business entity should return this form to the contracting State Agency.

The business entity can submit the Certification and Disclosure form directly to the Chapter 51 Review Unit only when:

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

### Questions & Information

Questions regarding the interpretation or application of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13) or E.O. 117 (2008) may be submitted electronically through the Division of Purchase and Property website at:

<https://www.state.nj.us/treas/purchase/eo134questions.shtml>

Reference materials and forms are posted on the Political Contributions Compliance website at:

<http://www.state.nj.us/treasury/purchase/execorder134.shtml>

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

- **“Business Entity/Vendor”** means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. The definition also includes (i) if a business entity is a for-profit corporation, any officer of the corporation and any other person or business entity that owns or controls 10% or more of the stock of the corporation; (ii) if a business entity is a professional corporation, any shareholder or officer; (iii) if a business entity is a general partnership, limited partnership or limited liability partnership, any partner; (iv) if a business entity is a sole proprietorship, the proprietor; (v) if the business entity is any other form of entity organized under the laws of New Jersey or any other state or foreign jurisdiction, any principal, officer or partner thereof; (vi) any subsidiaries directly or indirectly controlled by the business entity; (vii) any political organization organized under 26 U.S.C.A. § 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (viii) with respect to an individual who is included within the definition of “business entity,” that individual’s civil union partner and any child residing with that person. <sup>1</sup>
- **“Officer”** means a president, vice president with senior management responsibility, secretary, treasurer, chief executive officer or chief financial officer of a corporation or any person routinely performing such functions for a corporation. Please note that officers of non-profit entities are excluded from this definition.
- **“Partner”** means one of two or more natural persons or other entities, including a corporation, who or which are joint owners of and carry on a business for profit, and which business is organized under the laws of this State or any other state or foreign jurisdiction, as a general partnership, limited partnership, limited liability partnership, limited liability company, limited partnership association, or other such form of business organization.

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

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

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



State of New Jersey  
Department of the Treasury

Division of Purchase and Property

Two-Year Chapter 51/Executive Order 117 Vendor Certification and  
Disclosure of Political Contributions

**FOR STATE AGENCY USE ONLY**

Solicitation, RFP, or Contract No. \_\_\_\_\_ Award Amount \_\_\_\_\_

Description of Services \_\_\_\_\_

State Agency Name \_\_\_\_\_ Contact Person \_\_\_\_\_

Phone Number \_\_\_\_\_ Contact Email \_\_\_\_\_

Check if the Contract / Agreement is Being Funded Using FHWA Funds

**Please check if requesting  
recertification**

**Part 1: Business Entity Information**

Full Legal Business Name \_\_\_\_\_  
(Including trade name if applicable)

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

Vendor Email \_\_\_\_\_ Vendor FEIN (SS# if sole proprietor/natural person) \_\_\_\_\_

**Check off the business type and list below the required information for the type of business selected.  
MUST BE COMPLETED IN FULL**

- Corporation: LIST ALL OFFICERS and any 10% and greater shareholder
- Professional Corporation: LIST ALL OFFICERS and ALL SHAREHOLDERS
- Partnership: LIST ALL PARTNERS with any equity interest
- Limited Liability Company: LIST ALL MEMBERS with any equity interest
- Sole Proprietor

Note: "Officers" means President, Vice President with senior management responsibility, Secretary, Treasurer, Chief Executive Officer or Chief Financial Officer of a corporation, or any person routinely performing such functions for a corporation.

**All Officers of a Corporation or PC**

**10% and greater shareholders of a corporation  
or all shareholder of a PC**

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**All Equity partners of a Partnership**

**All Equity members of a LLC**

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If you need additional space for listing of Officers, Shareholders, Partners or Members, please attach separate page.

**IMPORTANT NOTE: You must review the definition of "contribution" and "business entity" on the Information and Instructions form prior to completing Part 2 and Part 3. The Information and Instructions form is available at: <http://www.state.nj.us/treasury/purchase/forms.shtml#eo134>**

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

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

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

2. Report below all contributions solicited or made during the 5 1/2 years immediately preceding the commencement of negotiations or submission of a proposal to any:

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

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

Municipal Political Party Committee  
Legislative Leadership Committee

Full Legal Name of Recipient _____
Address of Recipient _____
Date of Contribution _____ Amount of Contribution _____
Type of Contribution (i.e. currency, check, loan, in-kind) _____
Contributor Name _____
Relationship of Contributor to the Vendor _____
<b>If this form is not being completed electronically, please attach additional contributions on separate page. Click the "Add a Contribution" tab to enter additional contributions.</b>
<input type="button" value="Remove Contribution"/>
<input type="button" value="Add a Contribution"/>

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

**Part 3: Certification**

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

I hereby certify as follows:

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

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

- a) Within the 18 months immediately preceding the commencement of negotiations or submission of a proposal for the contract or agreement to:
  - (i) A candidate committee or election fund of any candidate for the public office of Governor or Lieutenant Governor or to a campaign committee or election fund of holder of public office of Governor or Lieutenant Governor; OR
  - (ii) Any State, County or Municipal political party committee; OR
  - (iii) Any Legislative Leadership committee.
- b) During the term of office of the current Governor or Lieutenant Governor to:
  - (i) A candidate committee or election fund of a holder of the public office of Governor or Lieutenant Governor; OR
  - (ii) Any State or County political party committee of the political party that nominated the sitting Governor or Lieutenant Governor in the last gubernatorial election.
- c) Within the 18 months immediately preceding the last day of the sitting Governor or Lieutenant Governor's first term of office to:
  - (i) A candidate committee or election fund of the incumbent Governor or Lieutenant Governor; OR
  - (ii) Any State or County political party committee of the political party that nominated the sitting Governor or Lieutenant Governor in the last gubernatorial election.

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

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

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

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

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

Signed Name \_\_\_\_\_ Print Name \_\_\_\_\_

Title/Position \_\_\_\_\_ Date \_\_\_\_\_

**Procedure for Submitting Form(s)**

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

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

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

**Forms should be submitted either electronically to: [cd134@treas.nj.gov](mailto:cd134@treas.nj.gov), or regular mail at: Chapter 51 Review Unit, P.O. Box 230, 33 West State Street, Trenton, NJ 08625.**

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EXHIBIT F-11

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**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: \_\_\_\_\_

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EXHIBIT F-12

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

Solicitation Number: \_\_\_\_\_ Bidder/Offeror: \_\_\_\_\_

**PART 1: PLEASE COMPLETE THE QUESTIONS BELOW BY CHECKING EITHER THE "YES" OR "NO" BOX.**  
**ALL PARTIES ENTERING INTO A CONTRACT WITH THE STATE ARE REQUIRED TO COMPLETE THIS FORM PURSUANT TO N.J.S.A. 52:25-24.2**  
**PLEASE NOTE: IF THE BIDDER/OFFEROR IS A NON-PROFIT, THIS FORM IS NOT REQUIRED. PLEASE COMPLETE THE SEPARATE DISCLOSURE OF INVESTIGATIONS FORM.**

	<b>YES</b>	<b>NO</b>
1. Are there any individuals, corporations or partnerships owning a <b>10% or greater</b> interest in the bidder/offeror?	<input type="checkbox"/>	<input type="checkbox"/>

**IF THE ANSWER TO QUESTION 1 IS NO, PLEASE SIGN AND DATE THE FORM. YOU DO NOT HAVE TO COMPLETE ANY MORE QUESTIONS ON THIS FORM. IF THE ANSWER TO QUESTION 1 IS YES, PLEASE ANSWER QUESTIONS 2-4 BELOW.**

2. Of those parties owning a 10% or greater interest in the bidder/offeror, are any of those parties <b>individuals</b> ?	<input type="checkbox"/>	<input type="checkbox"/>
3. Of those parties owning a 10% or greater interest in the bidder/offeror, are any of those parties <b>corporations or partnerships</b> ?	<input type="checkbox"/>	<input type="checkbox"/>
4. If your answer to Question 3 is "YES", are there any parties owning a <b>10% or greater</b> interest in the corporation or partnership referenced in Question 3?	<input type="checkbox"/>	<input type="checkbox"/>

**IF ANY OF THE ANSWERS TO QUESTIONS 2-4 ARE YES, PLEASE PROVIDE THE REQUESTED INFORMATION IN PART 2 BELOW.**

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

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

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

<b>Individuals</b>	
<p>Name: _____ Date of Birth: _____</p> <p>Home Address: _____</p> <p>City _____ State _____ Zip Code _____</p> <p>Are there <b>additional</b> entities holding <b>10% or greater</b> ownership interest in the bidder/offeror and its parent corporation/partnership?</p> <p align="center"><input type="checkbox"/> Yes or <input type="checkbox"/> No</p>	<div style="border: 1px solid black; padding: 5px; width: 80px; margin: auto;">Delete Entry</div>
<div style="border: 1px solid black; padding: 5px; width: 300px; margin: auto;">Add An Additional Individuals Entry</div>	

## Partnerships/Corporations

Entity Name: \_\_\_\_\_

Partner Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Delete Entry

Are there **additional** entities holding **10% or greater** ownership interest in  
the bidder/offeror and its parent corporation/partnership?

Yes    or     No

Add An Additional Partnerships/Corporations Entry

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

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

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

FEIN/SSN: \_\_\_\_\_