

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

REQUEST FOR QUALIFICATIONS / PROPOSALS for AUDITING AND JOB CERTIFICATION REVIEW CONSULTING SERVICES (reference 2016-RFQ/P-076)

ATTACHMENTS & EXHIBITS DETAIL

The ATTACHMENTS contained herein are for informational purposes and are provided to assist the Proposer in preparing its proposal response.

ATTACHMENTS:

Attachment A	Auditing and Job Certification Review Services “ <i>Scope of Services / Deliverables</i> ”
Attachment B	Compliance
Attachment C	“ <i>Conflict of Interest Statement</i> ”
Attachment D	“ <i>Cost Certification – Capital Investment Form</i> ”
Attachment E	“ <i>Job Certification Report</i> ”

~ IMPORTANT ~

The EXHIBITs contained herein represent various documents and forms which must be completed, signed and returned, as further indicated in the RFQ/P language.

EXHIBITS

Exhibit A	Equal Employment Opportunity / Affirmative Action
Exhibit B	“ <i>Employee Information Report</i> ”(Form AA-302)
Exhibit C	“ <i>Certificate of Employee Information Report</i> ”
Exhibit D	“ <i>Letter of Federal Affirmative Action Plan Approval</i> ”
Exhibit E	Sample New Jersey “ <i>Business Registration Certificate</i> ”
Exhibit F	NJ Department of Treasury; Div. of Taxation, “ <i>Sales and Use Tax Act</i> ” (Public Law 1966, c. 30; N.J.S.A. 54:32B- 1 et seq.)
Exhibit G	“ <i>Source Disclosure Certification Form</i> ” (Public Law 2005, c. 92 and N.J.S.A. 52:34-13.2.) - MANDATORY WITH THE PROPOSAL
Exhibit H	“ <i>Set Aside Information</i> ” form
Exhibit I	“ <i>Set Aside Compliance Certificate</i> ”
Exhibit J	“ <i>Monthly Status Report</i> ” form
Exhibit K	“ <i>Two (2) Year Vendor Certification and Disclosure of Political Campaign Contributions</i> ” Form (Public Law 2005, c. 51)

- Exhibit L Specimen Form of "*Professional Services Contract*"
- Exhibit M "*Acknowledgement of Receipt of Addenda and Questions & Answers*" form
- Exhibit N New Jersey Economic Development Authority "*Solicitation of Quotations and Proposals - Methodology and Procedures*"
- Exhibit O "*Procurement Approval Request*" Form
- Exhibit P "*Ownership Disclosure*" Form (N.J.S.A. 52:25-24.2) - MANDATORY WITH THE PROPOSAL
- Exhibit Q "*Disclosure of Investments in Iran*" form - MANDATORY WITH THE PROPOSAL
- Exhibit R "*Fee Schedule*"
- Exhibit S RESERVED
- Exhibit T RESERVED
- Exhibit U "*Disclosure of Investigations and Actions Involving Bidder*" form

ATTACHMENT B

COMPLIANCE REQUIREMENTS

COMPLIANCE:

This Attachment describes the compliance requirements and includes exhibits containing several forms, instructions and samples which must be completed, signed and submitted prior to the execution of a contract or WITH the bid 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 Public Law 2005, c. 51 Special Provision – Political Campaign Contributions.**

Further, **BIDDERS SHALL NOTE THAT THE FORMS IDENTIFIED IN ITEMS C, G AND I ARE MANDATORY AND SHALL BE INCLUDED WITH THE BID PROPOSAL.** Failure to do so shall render the proposal materially non-responsive and subject to rejection.

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 A***. 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 B***, or submit a valid *Certificate of Employee Information Report*, a sample of which is attached as ***Exhibit C***, or a valid *Letter of Federal Affirmative Action Plan Approval*, a sample of which is attached as ***Exhibit D***.

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. Bidders 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 Bidder 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 E***.

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 Bidder, 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 Bidder 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 Bidder 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 Bidder 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.nj.gov/treasury/revenue/gettingregistered.shtml>

Bidders may go to 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/pdf/forms/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*).

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

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 herein as **Exhibit G**, the location by country where services rendered pursuant to this *RFQ/P* will be performed. This shall be submitted with the bid proposal.

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 New Jersey Division of Revenue and Enterprise Services – Business Services Bureau 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/resourcelibrary/laws.and.regultaions/index.html)

(NAICS Codes can be obtained at: 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.

Further, in accordance with Public Law 2011, c. 147, the Authority encourages the use of Veteran-Owned Businesses (VOBs) as certified by the New Jersey Division of Revenue and Enterprise Services – Business Services Bureau.

Therefore, all Bidders and their named subcontractors should complete the attached "Set Aside Information Form" included herein as **Exhibit H** and submit it with the proposal.

In addition, the Bidder should complete and submit the attached "Set Aside Compliance Certificate" **Exhibit I** 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 Bidder's "Set-Aside Compliance Certificate" will convey information in sufficient detail to permit the Authority to effectively assess the Bidder's plan for attaining the specified Set-Aside goal or documenting the Bidder's good faith effort to meet the Set-Aside goal.

The successful Bidder must submit a "Monthly Status Report" included herein as **Exhibit J**, 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:

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-1et 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 BID

Pursuant to N.J.S.A. 52:32-55 *et seq* the Bidder shall complete, sign and submit the "Disclosure of Investment Activities in Iran" form **Exhibit Q**. This is a mandatory requirement of the BID submission.

H. DISCLOSURE OF INVESTIGATIONS AND ACTIONS INVOLVING BIDDER -

The Bidder shall provide a detailed description of any investigation, litigation, including administrative complaints or other administrative proceedings, involving any public sector clients during the past five (5) years including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, current status and, if applicable, disposition. The Bidder shall use the *Disclosure of Investigations and Actions Involving Bidder* form **Exhibit U** for this purpose.

I. OWNERSHIP DISCLOSURE FORM – MANDATORY WITH THE BID

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* included herein as **Exhibit P**. A current completed *Ownership Disclosure Form* must be submitted with the BID. Failure to submit the form with the bid will render the bid materially non-responsive and subject to rejection.

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

IMPORTANT NOTE: DO NOT LEAVE A COMPLIANCE DOCUMENT BLANK / INCOMPLETE, with the exception of the *Public Law 2005, c.51* forms, which are only required of the successful Bidder. 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 submission. Failure to do so may result in rejection of the bid.

ATTACHMENT C



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

“Conflict of Interest Certification Statement”

I hereby certify and attest that I, nor any member of my family, have a direct, familial, personal or monetary interest in the Applicant Incentive Project business entity or business site noted below, nor do I, nor any member of my family, currently have nor have had any previous or existing personal or professional relationships with, interaction with, or done business with the Applicant, site and / or with its current or previous owner(s). Further, neither I, nor any member of my family, is now or has been employed by or is a principle of, or is affiliated with the Applicant firm, in any manner.

Neither I nor any members of my family hold any ownership interest in the Applicant Incentive Project which is the subject of this Audit and Job Certification Review, nor am I or any member of my family under contract (other than this Contract) to perform work or services, *including representation on a new project* for the same Incentive Applicant on any incentive project that is included herein.

During my audit and review of the below named Applicant Incentive Project, should a conflict of interest arise, whether real or perceived; I will immediately notify my Employer and the New Jersey Economic Development Authority's Designated Contract Manager of such a potential conflict and await the Authority's review and decisioning regarding my further participation.

I understand that should a conflict exist, whether real or perceived, in the Authority's sole determination; I shall immediately recuse myself from the project-specific Applicant Incentive Project Audit and Job Certification Review. In the event I decline to complete and execute this *“Conflict of Interest Statement”*; I understand that I will be removed from the given Applicant Incentive Project audit.

INCENTIVE PROGRAM DETAILS:

_____	_____
<i>Applicant 's Name</i>	<i>Project Name</i>
_____	_____
<i>Applicant Address</i>	<i>City / State / Zip Code</i>
_____	_____
<i>Incentive Program Name</i>	<i>NJEDA Project #</i>

_____ I hereby certify and attest that, to the best of my knowledge, there is no conflict of interest, as state above, that would affect my ability to accurately, effectively and impartially audit and review the above Applicant Project Incentive Award.

_____ I hereby recuse myself from participating in the audit of the above Applicant Project Incentive Award due to the following:

_____	_____
<i>Vendor Employee's Name</i>	<i>Title</i>
_____	_____
<i>Vendor Employee's Signature</i>	<i>Date</i>
_____	_____
<i>Vendor Contract Manager's Name</i>	<i>Title</i>
_____	_____
<i>Vendor Contract Manager's Signature</i>	<i>Date</i>

ATTACHMENT D



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

A cost certification report needs to be completed for each entity contributing to the capital investment.

COST CERTIFICATION REPORT			
PROJECT NAME:			
CERTIFICATION COMPLETED BY:			
ENTITY NAME:			
NJEDA PROJECT NUMBER:			
PROGRAM:			
REPORTING YEAR:			
LOCATION:			
ALL COSTS WERE INCURRED (MM/YY – MM/YY):			
SQUARE FOOTAGE OF QUALIFIED BUSINESS FACILITY (GROW NJ ONLY):			
List	Project Costs	Estimated Eligible Costs at Approval	Eligible Costs at Completion
1.	Acquisition of Land and Buildings		
2.	Construction and Site Improvements		
3.	Equipment and Machinery		
4.	Professional Services		
5.	Financing and Other Costs		
6.	Contingency		
7.	Other Costs (List with Detail Below)		
	Total:	\$ -	\$ -

ATTACHMENT E

EXHIBITS SECTION

Exhibit A

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.

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 (3) documents:

- *Letter of Federal Affirmative Action Plan Approval*
- *Certificate of Employee Information Report*
- *Information Report Form AA-302*(electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contractcompliance)

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.

Exhibit B

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

EXHIBIT B

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

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 <input style="width:50px;" type="text"/>				
9. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT <input style="width:50px;" type="text"/>				
10. PUBLIC AGENCY AWARDED 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 Phillippine Islands and Samoa.

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

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

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

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

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

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

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

TYPE OR PRINT IN SHARP BALL POINT PEN

THE VENDOR IS TO COMPLETE THE EMPLOYEE INFORMATION REPORT FORM (AA302) AND RETAIN A COPY FOR THE VENDOR'S OWN FILES. THE VENDOR SHOULD ALSO SUBMIT A COPY TO THE PUBLIC AGENCY 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

Exhibit C

SAMPLE CERTIFICATE OF EMPLOYEE INFORMATION REPORT

Certificate _____

CERTIFICATE OF EMPLOYEE INFORMATION REPORT

This is to certify that the contractor has filed the Employee Information Report pursuant to P.L. 86, 1787-17 of the State of New Jersey and that the contractor has provided a true and correct report. This approval will remain in effect for the period of _____

VOID



VOID



State Treasurer

Exhibit D

Sample Federal Letter of Approval

U.S. Department of Labor

Employment Standards Administration
Office of Federal Control 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.

Exhibit E

Example 1:

STATE OF NEW JERSEY
TREASURY DEPARTMENT
BUSINESS REGISTRATION CERTIFICATE
FOR STATE LICENSE AND SERVICE CONTRACTORS

TAXPAYER NAME:	FRANK AMERI
TAX REGISTRATION TEST ACCOUNT:	CLIENT REGISTRATION
TAXPAYER IDENTIFICATION #: 870-097-3821000	SEQUENCE NUMBER: 0107000
ADDRESS: 847 ROEBLING AVE TRENTON NJ 08611	ISSUANCE DATE: 07/14/04
EXECUTIVE DATE: 07/14/04	<i>J.P. S. Tully</i> Director

This Certificate is not to be used as a license. It must be continuously displayed at above address.

Example 2:



**STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE**

Taxpayer Name: TAX REG TEST ACCOUNT

Trade Name:

Address: 847 ROEBLING AVE
TRENTON, NJ 08611

Certificate Number: 1093907

Date of Issuance: October 14, 2004

For Office Use Only:

20041014112823533

Exhibit F

BUSINESS REGISTRATION CERTIFICATE

PUBLIC LAW 2004, CHAPTER 57

Required for All Procurements

A Business Registration Certificate serves as proof of valid business registration with the New Jersey Division of Revenue. All vendors must provide this documentation when seeking to do business with the State of New Jersey and other public agencies in this state.

- **Any business including an out-of-state business** with a presence or nexus in New Jersey, 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 businesses** that believe they do not have state tax nexus will file a paper form NJ-REG in order to obtain a Business Registration Certificate. Business entities that file form NJ-REG only will be subject to a nexus review, initiated and conducted by the Division of Taxation.
- **Individuals or Unincorporated Construction Contractors with no business tax or employer obligations** may register using Form REG-A instead of Form NJ-REG in order to obtain the Business Registration Certificate. 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 requirement when contracting with public agencies in this state.

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. 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/revprnt.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, 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/pdfforms/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.

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).

EXHIBIT F

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 E**.

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 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 it 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

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**).

CONTRACT - EXHIBIT B

Business Registration Notice

All New Jersey and out-of-State business organizations must obtain a “*Business Registration Certificate*” (“*BRC*”) from the Department of the Treasury - Division of Revenue, prior to conducting business with the New Jersey Economic Development Authority (“*Authority*”). Proof of valid “*Business Registration*” of the successful bidder, joint venture partners and named subcontractors must be obtained by the Authority before a contract can be awarded. Failure to submit such “*Business Registration Certificate(s)*” may render the proposal materially non-responsive. The “*Business Registration*” form (*Form NJ-REG*) can be found online at:

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

Definitions:

“*Affiliate*” means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. An entity controls another entity if it owns, directly or individually, more than fifty (50%) percent of the ownership in that entity.

“*Business organization*” means an individual, partnership, association, joint stock company, trust, corporation, or other legal business entity or successor thereof.

“*Business Registration*” means a “*Business Registration Certificate*” issued by the Department of the Treasury or such other form or verification that a contractor or subcontractor is registered with the Department of Treasury.

“*Contracting agency*” means the principal departments in the Executive Branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, or any independent State authority, commission, instrumentality or agency, or any State college or university, any county college, or any local unit.

“*Contractor*” means a business organization that seeks to enter, or has entered into, a contract to provide goods or services with the New Jersey Economic Development Authority.

“*Subcontractor*” means any business organization that is not a contractor that knowingly provides goods or performs services for a contractor or another subcontractor in the fulfillment of a contract.

Requirements Regarding Business Registration Form:

A contractor must have a valid "*Business Registration Certificate*" in order to be awarded a contract by the New Jersey Economic Development Authority.

All subcontractors shall provide a copy of its "*Business Registration*" to any contractor who shall forward it to the Authority. No contract with a subcontractor shall be entered into by any contractor unless the subcontractor first provides proof of valid "*Business Registration*".

The contractor shall provide written notice to all subcontractors that they are required to submit a copy of their business registration to the contractor. The contractor shall maintain a list of the names of any subcontractors and their current addresses, updated as necessary during the course of the contract performance. The contractor shall submit to the Authority, a copy of the list of subcontractors, updated as necessary during the course of performance of the contract. The contractor shall submit a complete and accurate list of the subcontractors to the New Jersey Economic Development Authority before a request for final payment is made to the Authority.

The contractor and any subcontractor providing goods or performing services under the 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.

Exhibit G



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

Bidder: _____
(e.g. "ABC Company Inc., LLC")

Contract / PO Number: _____
(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.**

Bidder and / or Subcontractor(s) (e.g.) "ABC Company Inc., LLC"	Description of Services (e.g.) "Underwriting"	Performance Locations(s) by COUNTRY (e.g.) "U.S.A." or "India"	Reasons why services cannot be performed in USA (e.g.) "not applicable" or "see attached"

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)

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
SOURCE DISCLOSURE CERTIFICATION

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

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.

Exhibit H



**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
SET ASIDE INFORMATION FORM
GOODS AND SERVICES**

RFQ/P or RFB#: _____ PROJECT NAME: _____

Company Name: _____

Address: _____

City, State, Zip Code: _____

Contact Name and Title: _____

E-Mail: _____

Telephone Number: _____ Alternate Number: _____

Is your Company registered with the NJ Department of Treasury - Division of Revenue – Small Business Registration and M/WBE Certification Services Unit (609) 292-2146) as a Small Business Enterprise (SBE)?

_____ Yes _____ No [If yes, attach a copy of your *Certificate of Registration*]

If “Yes”, indicate your Registration Number: _____

If “No”, have you applied with the Division to become registered? _____ Yes _____ No

Application date: _____ Type of Business: _____

Commodity Code: _____

Is your Company a corporation? _____ Yes _____ No

Is your Company a Small Business Enterprise (SBE) [*no more than 100 full-time employees*]:

_____ Small Business with Gross Revenues that *do not* exceed \$500,000.

_____ Small Business with Gross Revenues that *do not* exceed \$12 million or the applicable Federal Revenue Standards established at 13 CFR 121.201 incorporated herein by reference, whichever is higher.

Is your Company a Minority-owned Business (MBE)? _____ Yes _____ No [optional]

If “Yes”, please specify Ethnicity: _____ [optional]

Is your Company a Woman-owned Business (WBE)? _____ Yes _____ No [optional]

Is your Company a Veteran-owned Business (VBE)? _____ Yes _____ No [optional]

In accordance with Executive Order 34 (2006) and Public Law 2011, c. 147, the New Jersey Economic Development Authority encourages the use of Small Business Enterprises in all of its contracts, as well as Woman-owned, Minority-owned and Veteran-owned Business Enterprises.

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

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
ATTN: Internal Process Management Department
P.O. Box 990
Trenton, NJ 08625-0990**

Exhibit I

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



**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
SET-ASIDE COMPLIANCE CERTIFICATE
GOODS AND SERVICES 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* (Exhibit J) 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" (reference Exhibit I), as well as the "Set Aside Information Form" (included in this RFQ/P as Exhibit H) 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*" (Exhibit H) 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 Business with Gross Revenues that *do not* exceed \$500,000 (10%):
- Small Business with Gross Revenues that *do not* exceed \$12 Million (15%):

Dated: _____

By: _____
Name of Authorized Representative of Firm Noted Above

Print Name of Authorized Representative Signing Document

Title of Authorized Representative

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

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 registered with the New Jersey Department of Treasury, Division of Revenue and Enterprise Services – Business Services Bureau** for the services subject to this RFQ/P. Information regarding SBE registration and MBE, WBE and VOB 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:

www.njportal.com/DOR/SBERegistry/

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/resourcelibrary/laws.and.regultaions/index.html),
(NAICS Codes can be obtained at www.census.gov/epcd/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 in 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 in 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.

The Proposer, its joint venture partners, if any, and any named subcontractors and / or subconsultant firms should complete the attached "***Set Aside Information Form***" (***Exhibit H***) and **submit with the proposal.**

In addition, all Proposers should complete and submit the attached "*Set Aside Compliance Certificate*" (*Exhibit I***) with the proposal.**

Failure to complete and submit the "*Set-Aside Information Form*" and the "*Set-Aside Compliance Certificate*" documents may result in a delay in evaluating the proposal. 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.

On a monthly basis, the successful Proposer must submit a "*Monthly Status Report*" (***Exhibit J***), with its invoice. Invoices will not be processed unless accompanied by the "*Monthly Status Report*".

ORDER 34 (2006) and PUBLIC LAW 2011, c. 147 COMPLIANCE:

In accordance with *Executive Order 34 (2006)* and *Public Law 2011, c. 147*; the Authority encourages the use of Minority-owned Business Enterprises (MBEs) and Woman-owned Business Enterprises (WBEs) entities and MBE and WBE subcontractor and / or subconsultant firms, as well as Veteran-owned Business Enterprises (VOBs) entities and VOB subcontractor and / or subconsultant firms, respectively.

Exhibit J

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
MONTHLY STATUS REPORT - GOODS AND SERVICES**

2. Original Contract Amount:											
2a. Current Contract Amount:											
2b. Amount Billed to Date (including this invoice):											
2c. Invoice Amount:											
1	2	3	4	5	6	7	8	9	10	11	12
List all contracted SBE firms	Category [SBE < \$500,000] [SBE < \$12 million]	Specify Work Items to be Completed by SBE Firm	Dollar Amount of Executed Contract	Dollar Amount Paid to SBE Firm on this Invoice	Dollar Amount Paid to Date to SBE Firm	Total \$ Paid to SBE Firms to Date	Percentage of \$ Paid to Date (7/2a)	Total Percentage for Contract (4/2a)	Is Firm a MBE? (Yes/No) [optional]	Is Firm a WBE? (Yes/No) [optional]	Is Firm's Business Registration on file at NJEDA? (Yes/No)
						SBE <\$500,000					
<p>13. 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.</p>											
Firm's Authorized Representative's Signature _____ Date _____ Authorized Representative's Title _____ Telephone # _____						Any questions regarding this form should be directed to Geraldine M. Stout -- Procurement Officer (609) 633-9169 or Steven Quattro --Program Manager -- Compliance at (609)341-5292. Please return this form with your monthly invoice to: New Jersey Economic Development Authority P.O. Box 990 Trenton, NJ 08625-0990 Please forward this document with your invoice to the individual responsible for managing your contract.					
EDA Project Officer Approval Signature _____ Date _____ Comments (if any) _____											

Exhibit K

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 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 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.¹
- **“Officer”** means a president, vice president with senior management responsibility, secretary, treasurer, chief executive officer or chief financial officer of a corporation or any person routinely performing such functions for a corporation. Please note that officers of non-profit entities are excluded from this definition.
- **“Partner”** 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.

¹Contributions 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



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**

All Equity partners of a Partnership

All Equity members of a LLC

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 ½ years immediately preceding the commencement of negotiations or submission of a proposal to any:

Candidate Committee for or Election Fund of any Governorial or Lieutenant Governorial 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 _____
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.
<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.
- (C) I am certifying on behalf of the business entity only; any remaining persons or entities whose contributions are attributable to the business entity (as listed on Page 1) have completed separate Certification and Disclosure forms which are included with this submittal.
- (D) 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 , or regular mail at: Chapter 51 Review Unit, P.O. Box 230, 33 West State Street, Trenton, NJ 08625.

Chapter 51/Executive Order 117 Q & A
Updated 8/26/15

These questions and answers have been updated to reflect all developments concerning Chapter 51 and Executive Order 117.
Please do not refer to any prior versions.

1. How are EO 134, Chapter 51 and EO 117 related?

Answer: Chapter 51 superseded EO 134 in 2005. EO 117 was issued in 2008 and is applied along with Chapter 51 to vendor contributions.

2. Do employee contributions disqualify the vendor or contractor from receiving a state contract award?

Answer: Employee contributions do not disqualify the employer, so long as the employee is not considered part of the business entity. See definition of business entity in the Information and Instructions for Completing the Two-Year Vendor Certification and Disclosure of Political Contributions form.

<http://www.state.nj.us/treasury/purchase/forms/eo134/Chapter51.pdf>

3. Who can make a request for a public exigency exception to Chapter 51?

Answer: Only the State agency that is procuring or otherwise entering the contract with the business entity can make a request for a public exigency.

4. Does Chapter 51 apply to grants given by covered agencies? Does it matter if it's for a for-profit entity?

Answer: In general no, even if it is for a grant to a for-profit entity. However, if a procurement transaction is called a grant but will result in the acquisition of goods and services from a for-profit entity, then Chapter 51 does apply.

5. Does the law apply only to procurement of services?

Answer: No, the law applies to the procurement of goods, commodities, services, materials, supplies and equipment, and the acquisition, sale or lease of land or buildings.

6. In what format will departments be notified once the Chapter 51 Review Unit completes the review of a vendor's Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form?

Answer: The Chapter 51 Review Unit will notify State agencies by email of a business entity's Chapter 51/Executive Order 117 compliance or to request additional information

if necessary. It is the State agency's responsibility to communicate that response to the potential vendor.

7. Does the \$17,500 threshold in Chapter 51 apply per individual transaction, or is it cumulative Statewide or by department or by division within a department?

Answer: The threshold is applicable per transaction executed cumulatively by a division within a department. However, if the agency becomes aware of a vendor receiving more than \$17,500 in contracts during the same fiscal year, the agency should obtain a Two-Year Vendor Certification and Disclosure of Political Contributions form from the vendor. Contracts should not be divided by dollar amount or between agencies to avoid the \$17,500 threshold.

8. In cases where the public exigency requires the immediate purchase of goods or services, what will the Chapter 51 Review Unit require in terms of justification and/or supporting documentation?

Answer: Chapter 51 provides that the Treasurer may exempt compliance from Chapter 51 and EO 117 in the case of a public exigency. Please see below for Public Exigency guidelines. Accordingly, agencies need not request that the vendor execute the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form, but instead, should send a request to the Treasurer explaining why the Treasurer should exempt the procurement as a public exigency.

Public Exigency - must be an emergency that affects the public health, safety, or welfare or a critical agency mandate which requires the immediate delivery of goods or performance of services or involves a contract for specific goods or services that:

- a. Must be provided by a specific vendor; and,
- b. The timing of the procurement does not make compliance with Chapter 51 practical or possible; and
- c. The procurement is consistent with the intentions of pay-to-play laws.

An example of this would be a procurement where the goods or services are only available from a single source and the single source vendor's action prevents or stymies application of the law. In these cases, the public agency can request approval from the Treasurer.

9. With respect to Chapter 51, if an individual makes a contribution to a PAC and the PAC makes contributions, how does this affect the person's ability to enter into contracts with public agencies? Who receives credit for the contribution?

Answer: A "PAC" is not a legal term, but when people use it, they generally are referring to what is defined as a "continuing political committee" under New Jersey law. Assuming by "PAC" you are referring to a continuing political committee and not to a candidate committee or a political party committee, an individual's contribution to a PAC does not affect the individual's ability to contract with State agencies, unless (1) the individual directly or indirectly controls the PAC and the PAC itself makes a disqualifying

contribution, or (2) the Treasurer determines, under Section 6 of Chapter 51, that the individual's contribution to the PAC would constitute a breach of contract under Section 9 of the statute or would pose a conflict of interest.

10. Does Chapter 51 apply to DPA purchases of \$17,500 and less?

Answer: No, however it does apply to DPA purchases in excess of \$17,500.

11. Is there a contact person that I could speak to directly about compliance with Chapter 51 and Executive Order 117? We have a few questions that I need to discuss with someone, if possible.

Answer: No. Agencies and business entities are requested to submit all questions electronically to the following link:

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

This format eliminates responding to duplicate questions, provides the opportunity to share questions and answers with agencies, as well as the business community and expedites response.

12. What documentation is required to be submitted to the Chapter 51 Review Unit? Is it only the certification form or should the vendor quote also be included?

Agencies should submit the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form to the Chapter 51 Unit. The form is available online at:

<http://www.state.nj.us/treasury/purchase/forms/eo134/Chapter51.pdf>.

If additional information is needed, the Chapter 51 Review Unit will send its request to the public agency to be forwarded to the business entity.

13. Can State Agencies submit the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form as a scanned attachment (.pdf) via email?

Answer: Yes. We encourage submissions be sent electronically for review to: CD134@treas.nj.gov.

14. Do Chapter 51 and Executive Order 117 affect subcontractors of a vendor that we would like to contract with?

Answer: No. The prime contractor only – not its subcontractors – is responsible to be in compliance with Chapter 51 and Executive Order 117.

15. Are contracts to procure goods and services for school districts previously referred to as “Abbott districts” within the scope of Chapter 51 and EO 117?

Answer: Yes. Procurements by State agencies on behalf of the school districts formerly referred to as “Abbott districts” are within the scope of Chapter 51. Purchases made directly by a school district are not covered by Chapter 51 or EO 117.

16. Do we have to provide compliance documents repeatedly for vendors once we establish approval by the Treasurer or will we have to do this every time we award, especially for a DPA purchase? Many of our DPA purchases are to the same vendors again and again.

Answer: No, the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form is valid for a two year period effective the date of approval. State agencies should first verify a business entity's compliance status with the Chapter 51 Review Unit prior to requesting the completion of a form. If approval has already been obtained, a new form is not required to be submitted for that vendor. If there is a change in the vendor's ownership status or if the vendor makes a political contribution(s) during the two-year period, the vendor is required to submit a new Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form for approval to the Chapter 51 Review Unit.

17. Is my corporation required to submit a separate Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form for each 10% or greater owner and their spouses and children (living at home)? In our case, this would require completion of 10 copies of each form. What is to be done if children are not of legal age?

Answer: Where the business entity is a corporation, a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form is required from the business entity itself, each 10% or greater owner, officers of the corporation and each controlled subsidiary or Section 527 Political Organization.

As a matter of convenience, a business entity may submit only one form if its authorized representative completing and signing the form is certifying on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity. If the authorized representative completing the form is only certifying for the business entity itself, then separate forms must be completed and submitted along with the business entity's form from all other individuals and/or entities whose contributions are attributable to the business entity.

No form is required from children that are not of legal age or children that do not reside with an individual that falls under the definition of business entity. Additionally, it does not apply to a contribution made by a spouse, civil union partner, or child to a candidate for whom the contributor is entitled to vote or to a political party committee within whose jurisdiction the contributor resides.

18. We received in the mail a Vendor Certification and Disclosure of Political Contributions form (CH51.1 R1/21/2009). The form (Chapter 51 – Rev. 4/17/15) on the website also refers to Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form. Both are two year forms. Can we use the form on the website in place of the one we received in the mail?

Answer: Yes. The form on our website is always the most current and correct. This is the only form that will be accepted for review and approval.

19. My company is owned by another company. I understand that my company, and the company that owns my company, must complete the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form. The owner company has 3 shareholders. Are these shareholders also required to complete the compliance forms?

Answer: You are correct that certification and disclosure is required from the contracted company and the company that owns the contracted company. However, the shareholders of the owner company are not considered "principals" of your company and, therefore, are not required to submit compliance documentation. Keep in mind, the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form submitted is signed on behalf of the contracted company and any individuals and/or entities whose contributions are attributable to the contracted company. If the authorized representative completing the form is only certifying for the business entity itself, and not the parent company, which is the principle in your situation, a separate form must be completed and submitted along with the business entity's form from the parent company.

20. I am reviewing a contract between the Board of Public Utilities and a consulting company. The contractor will not be paid by BPU, but by the various utility companies that are involved in the project (for development of electronic data interchange processes). Would this be considered a "state contract" requiring compliance with Chapter 51?

Answer: Although the contractor will be paid by the various utility companies, the contract in place is between the Board of Public Utilities and the consulting company. If the expenses to be incurred by the various utility companies are expected to exceed \$17,500, Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions forms are required.

21. Is the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form required in the case of an assignment of an existing agreement, where the original vendor has been acquired by a third party and the assignee is the new corporate form of the original vendor? The term of the original agreement is not being extended, and the terms and conditions are unchanged, except for the assignment.

Answer: No.

22. I represent a State agency preparing to enter into a contract with a municipality. Is a municipality required to fill out the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form prior to entering into a contract with the State? How about other State entities that are vendors, such as colleges and universities?

Answer: Municipalities and State entities are not required to comply with Chapter 51 and Executive Order 117 because they do not fall within the definition of a business entity. Additionally, colleges, universities and non-profit organizations are excluded from this definition and are, therefore, exempt from Chapter 51 and Executive Order 117 compliance.

23. Do Chapter 51 and Executive Order 117 apply to contracts with the Administrative Office of the Courts?

Answer: No.

24. Are extensions of contracts, subject to the terms of Chapter 51 and Executive Order 117?

Answer: Contract extensions are treated as exercises of existing contractual rights and are not subject to the requirements of Chapter 51 and Executive Order 117.

25. Are contract change orders subject to the terms of Chapter 51?

Answer: Contract change orders are treated as exercises of existing contractual rights and are not subject to the requirements of Chapter 51.

26. Is an amendment or change order to a contract that was originally below the \$17,500 threshold subject to the terms of Chapter 51 if the amendment brings the value of the agreement over \$17,500?

Answer: Yes.

27. Please define "any entity designated and organized as a "political organization" under 26 U.S.C.A. 527, that is also defined as "continuing political committee" under N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7." Is there a listing that can be provided for all "entities" that are organized under these criteria?

Answer: The simplest way to obtain information about the registration status of a political organization is to inquire of the organization itself. In addition, information regarding political organizations that are tax exempt under Section 527 of the Internal Revenue Code is available at the IRS website link:

<http://forms.irs.gov/politicalOrgsSearch/search/basicSearch.jsp?ck>

New Jersey Election Law Enforcement Commission (ELEC) maintains information regarding organizations which have registered as "continuing political committees" and is available at ELEC website link: <http://www.elec.state.nj.us/>

28. We request clarification of the language with respect to Chapter 51. The language states that each person or organization within the definition of business entity is required to provide certification and disclosure. We are a subsidiary of a publicly-held company listed on the NYSE. Our parent company has over 300 subsidiaries in the U.S. and it has a New Jersey PAC (continuing political committee). The definition of business entity would clearly include Bidder (our company) and its parent corporation.

The definition also includes any subsidiaries directly or indirectly controlled by the business entity. This seemingly includes all 300+ subsidiaries of our parent company, since parent is a business entity."

Would it be acceptable for our company to include with our bid proposal forms for our company and our parent company? Or would we need to include forms for all 300 subsidiaries of our parent company? Our parent company's PAC would certify, since it appears to fall under the definition of a business entity.

Answer: In your example, only the parent company and the PAC would be required to certify and disclose. However, if the authorized representative from your company can certify on behalf of the parent and the PAC as well, only one Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form must to be submitted. Please see the answers to Question 17 and 19.

29. Would an agreement signed between a New Jersey landlord and the NJ Department of Community Affairs (DCA) to receive federal Section 8 rental assistance funding constitute a "contract" as defined in Chapter 51?

Answer: No. The Section 8 program is, essentially, a grant program, and therefore, Chapter 51 does not apply.

30. With regard to property and real estate matters, do Chapter 51 and Executive Order 117 apply to the date of the real estate closing or when the real estate contract was executed by all parties?

Answer: The applicable date would be the date when negotiations commenced.

31. Under New Jersey law, partnerships cannot make political contributions to New Jersey candidates and political committees. See N.J.A.C. 19:25-11.10. However, partners can contribute and contributions can be made on partnership checks provided the contribution is allocated to a partner(s), i.e., comes from the partner's share of partnership funds, and such contribution is authorized in writing by the partner, and the written authorization accompanies the contribution when sent to a candidate or political committee. This being the case, is it correct

to assume reportable contributions (in excess of \$300.00) under Chapter 51 and Executive Order 117 are those made by equity partners in the partnership?

Answer: Yes.

32. I have been asked to act as placement agent for an agency's upcoming bond transaction. The placement is for the investment of the bond proceeds into guaranteed investment agreements. We have been asked to get each potential provider of an investment agreement to sign the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form. The contract(s) will be signed with entities. These entities have or will shortly be submitting their forms under their corporate names. These entities, and others, have guarantors. I don't believe we need to have the guarantors also sign certification and disclosure forms. (They will never be the counterparty – just the backup credit in the event of a failure to perform by the signatory.) I want to confirm so that we don't have a problem at closing.

Answer: Since the guarantor does not have a contract with the State of New Jersey, it does not need to submit a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form.

33. I understand Chapter 51 contains a provision so that it does not apply to certain federally funded contracts. Does this provision apply only to the NJ Department of Transportation for highway projects, or does it apply to all FTA-funded (Federal Transportation Authority) transit projects?

Answer: The exception is in N.J.S.A. 19:44A-20.25. This exception does not apply to all federally funded contracts, only those where the federal government or a court has determined Chapter 51's application would violate federal law. At present, we are aware that the exception applies to DOT contracts funded by the FHWA and to any other contracts funded in whole or in part, by the FHWA.

34. New Jersey law, N.J.S.A. 19:34-45 in particular, prohibits certain corporations, including banks and insurance companies, from making contributions to political candidates or parties. Given that it would appear that these companies were forbidden under law from making contributions covered under Chapter 51, is it necessary for these companies to provide a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form?

Answer: Yes, the companies are required to file a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form. The referenced statute does prohibit some contributions by certain corporations and their majority stockholders to or in support of political candidates and parties, but does not prohibit contributions by all of the individuals whose contributions are attributable to the business entity under Chapter 51 and may not prohibit contributions to all of the political committees within the scope of Chapter 51.

35. One of our vendor's owners died and the estate has not completed the probate process. Are we required to obtain a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form from the estate?

Answer: No. Estates are not included in the definition of business entity.

36. Our company is a State contract vendor. Would the owner (who has a greater than 10% equity interest) of the company be allowed to be on the host committee for a gubernatorial fundraising event?

Answer: No, as that would violate the prohibition in the statute against solicitation of contributions by vendors' principals. Further, if as the host, the owner also paid any costs of or made in-kind contributions to the fundraising event with a value in excess of \$300.00, it would violate the prohibitions of the statute.

37. Would our Medicaid “fee for service” providers, who bill our system for reimbursement, be subject to Chapter 51? These providers have contracts with the HMOs to which the State is not a party, but which do prescribe certain parameters that must be met in the HMO contract. The fee for service providers have a simple provider agreement which certifies that they will comply with all applicable federal and state law, provide information regarding claims and keep records. There is no countersignature by the State. There is no acceptance process for service providers; all who apply and agree to the program’s terms are accepted.

Answer: No, these providers are not subject to Chapter 51, as Medicaid has made no contract “award” to the fee for service providers.

38. Certain foreign entities – defined as “foreign nationals” – are prohibited by U.S. federal law from making political contributions in the United States. Based on this prohibition, are such businesses or foreign entities excused from compliance with Chapter 51?

Answer: No. The statute does not differentiate among business entities based on country of residence or origin, nor does the statute provide an exemption based upon compliance with other State or federal laws.

39. Our company is a state contract vendor. Our president is first vice-chair of a county political organization. As a state contract vendor, would our president be allowed to sign checks from the county political organization?

Answer: The signing of political organization checks does not alone disqualify a vendor under Chapter 51. However, as an executive with the county political organization, the company’s president should be aware of the restrictions set forth in Chapter 51 on soliciting contributions. Those restrictions apply to state vendors and their principals. This company’s president should also be aware of the possibility that services provided

to the county political organization may, if not voluntary personal services, be considered reportable “in-kind contributions” to the organization pursuant to N.J.S.A. 19:44A-3(f) and N.J.A.C. 19:25-1.7, which would have a potential Chapter 51 impact.

40. If a business entity responds that they have not contributed or solicited contributions, does the using agency have to submit the paperwork to the Chapter 51 Review Unit, or may they continue to process the contract without submission?

Answer: The paperwork must be submitted to the Chapter 51 Review Unit. We will confirm whether all of the required entities have submitted the required Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form, and will notify the using agency whether the business entity’s documentation complies with the requirements of the statute.

41. For a professional corporation, does the definition of business entity include only principals who own or control more than 10 percent of the stock, or does it also include principals who own or control more than 10 percent of the profits or assets of a business entity?

Answer: It applies to both. Please refer to the Information and Instructions for Completing the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form for the complete definition of business entity.

<http://www.state.nj.us/treasury/purchase/forms/eo134/Chapter51.pdf>

42. May two members of a corporation, neither of whom owns more than 10% of the stock of the corporation, but who in the aggregate own more than 10% of the stock of the corporation, make or solicit contributions subject to the statute.

Answer: Ownership in the corporation is not aggregated for purposes of determining the applicability of the statute.

43. Our agency utilizes New Jersey State contracts for a good portion of its procurement of goods and services. Please clarify whether our agency has to separately require that the vendors who have existing State Contracts comply with Chapter 51 before we can order?

Answer: Purchase Orders and other procurements against existing State contracts established by the Division of Purchase and Property, are not separately subject to the requirements of Chapter 51. Compliance with respect to such State contracts is the responsibility of the Division of Purchase and Property, Chapter 51 Unit.

44. Can a principal of a business entity give a power of attorney to another principal of the same business entity to sign as attorney-in-fact, the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form?

Answer: Yes, authorized representatives are allowed to sign the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form.

45. Is there any guidance as to how often and when our company should disclose any political contributions made after the award of a contract? Additionally, is there a special form to be filed to report these contributions?

Answer: A new Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form is required to be submitted for approval upon the making of any political contribution(s) aside from those disclosed on the original form and also to report changes in the ownership structure (including the appointment of a new officer within a corporation).

46. How should sole source purchases be handled with respect to Chapter 51?

Answer: The Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form is required even if it is a sole source contract. In the event that the sole source business entity has made a disqualifying contribution, the agency may request a public exigency from the State Treasurer.

Likewise, if you are inquiring whether or not your agency is entitled to receive an exemption from submitting documents because of the mere fact that you have received one bid or have one qualified bidder for services; the answer is No.

47. May a bidder safely use the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form found on the Treasury website instead of the particular form included in the bid solicitation of the State agency?

Answer: Yes, the form on the Department of the Treasury website is the correct form for any type of procurement, including a publicly advertised bid. The location of the form on the web is: <http://www.state.nj.us/treasury/purchase/forms/eo134/Chapter51.pdf>

48. A business is a publicly traded company, and is owned in part by one or more financial firms, each of which owns more than 10% of the shares of the business. Is the business required to obtain a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form from each financial firm?

Answer: Publicly traded companies are not required to obtain certification and disclosure forms from holders of 10% or more of their shares, where the holders of such shares are mutual funds, financial advisors, or other institutional investors that own the shares for the benefit of investors. However, financial firms or individuals that hold such shares for their own account are required to submit a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form.

49. If a public company is required to obtain a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form from a 10% shareholder where that shareholder is a mutual funds, financial advisor, or other institutional investor that owns the shares for its own account and such public company in good faith attempts to obtain the form, but is unable, does a public exigency exist to enable the state agency to still contract with the public company despite the lack of a certification and disclosure from the shareholder?

Answer: A public exigency is determined on a case by case basis by the State Treasurer. If the Treasurer determines that a public exigency requires the immediate delivery of goods or performance of services, the agency would not be precluded from contracting with the company.

50. Our company is currently under contract with the State of New Jersey. Is our company allowed under the provision of Chapter 51 and Executive Order 117 to contribute \$500.00 to a committee to re-elect a county Freeholder, or a State Assembly or State Senate candidate

Answer: Contributions to the election fund or committee of a county Freeholder, State Assembly or State Senate candidate are outside of the scope of Chapter 51 and Executive Order 117.

51. The Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form requires disclosure of contributions to "political organizations"; does this require a disclosure of groups and political organizations not covered by Chapter 51 and Executive Order 117?

Answer: The business entity is required to disclose any political contribution solicited or made in the preceding four years to any political organization organized under Section 527 of the Internal Revenue Code which also meets the definition of a continuing political committee, which is commonly referred to as a PAC (Refer to Question 27). Also, the form requires the disclosure of any contributions solicited or made during the preceding 5 ½ years to any:

Candidate committee/election fund for any Gubernatorial or Lieutenant Gubernatorial candidate,
State Political Party Committee,
County Political Party Committee; OR

Any contributions solicited or made during the preceding 18 months to any:

Municipal Political Party Committee,
Legislative Leadership Committee

52. Chapter 51 requires disclosure of contributions to the election fund of any candidate or current holder of public office of Governor or Lieutenant Governor

or State or county political party committee. EO 117 requires disclosure of contributions to municipal political party committees and legislative leadership committees Does this apply to a contribution to the election fund for a city/township mayoral candidate? Also, would payment for dinner tickets be considered a "contribution" to such township election fund events under Chapter 51?

Answer: Payment for dinner tickets would be considered a contribution. Contributions to candidates for municipal offices are not subject to Chapter 51 or EO 117.

53. An incorporated trade association intends to register in New Jersey as a continuing political committee. Its members include corporations and individuals. Can the association accept contributions to its CPC from members who have contracts with the State and/or local jurisdictions, whose contributions will be used to make contributions to New Jersey candidates and political party committees?

Answer: Contributions to a CPC (Continuing Political Committee) are required to be disclosed by the contributor as part of the compliance process. Disclosure of such contributions will trigger a conflict of interest analysis under Chapter 51.

54. Is a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form required for an annual dues assessment payment to a national association of which every state/territory government is a member? For example, NJ is a member of a national association which advocates for mental health issues. Each state/territory is represented by their respective Commissioner or Division Director for Mental Health. This organization advocates for mental health issues and legislation at the national level.

Answer: The described group is, effectively, a consortium of governmental entities that would not constitute a business entity for purposes of Chapter 51 or Executive Order 117. As such, the group would be exempted from the form requirement.

55. As a State agency, are we required to obtain a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form if we purchase land from an estate?

Answer: No. An estate is not included in the definition of business entity under Chapter 51 and Executive Order 117.

56. Do Chapter 51 and EO 117 apply to a political contribution by a business entity to a particular county political party for purposes of funding the legislative election campaigns of that party's candidates, and where the contribution is not related to any gubernatorial campaign?

Answer: Contributions to a county political party committee are disqualifying contributions under Chapter 51 and EO 117. Contributions to separately established single or joint candidate committees are not subject to Chapter 51 and EO 117.

57. Do Chapter 51 and Executive Order 117 apply to a business entity's contribution to a gubernatorial campaign fund if that particular candidate was NOT elected?

Answer: Yes. The success of the candidate does not affect the application of Chapter 51 or Executive Order 117, but it does potentially affect the length of disqualification.

58. If a disqualifying contribution was made without awareness of the Chapter 51 implications and the candidate committee fails to return the contribution within the required 30 days, can a vendor be awarded State contracts?

Answer: No, Chapter 51 requires inadvertent contributions be refunded within 30 days after the date on which the contribution was made. There is no exception in the law for a contributor's delay in requesting or the committee's failure to timely refund a contribution.

59. Is a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form required for non-profit corporations organized under the New Jersey Nonprofit Corporation Act (N.J.S.A. 15A:1-1 et. seq.), and refers to commercial entities.

Answer: Non-profit entities are not considered business entities and, therefore, exempt from Chapter 51 and Executive Order 117 compliance.

60. I am the executive director of a business with State contracts. If I bought a ticket to a birthday party for a Freeholder (\$150) and an assembly person (\$100) in one year, is that a reportable contribution required to be reported on the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form?

Answer: Contributions to County Freeholders or members of the State Assembly are outside the scope of Chapter 51 and Executive Order 117.

61. As a business entity organized as a Limited Liability Partnership, we are prohibited from making or soliciting certain political contributions under the provisions of Chapter 51. Our partnership has partners with 10% and greater and partners with less than 10% equity interest. May these partners utilize certain facilities of the partnership such as fax machines, telephones, Xerox machines, personal computers, etc., to solicit political contributions for a campaign if the value of such administrative cost is less than the \$300 amount of a reportable contribution in the aggregate?

Answer: Yes, in your example, the value of the in-kind contributions does not exceed the \$300 reportable amount and will not disqualify the LLP from contracting with a State agency.

62. May a business entity established as a partnership make a political contribution to a county political party using a partnership check so long as the contribution is accompanied by an appropriate letter allocating the contribution to individual partners and so long as the allocation for each partner is \$300 or less?

Answer: Yes. Consistent with the Election Law Enforcement Commission (ELEC) regulations and procedures, use of the partnership check is not determinative, provided that the contribution check is accompanied by a clear allocation to individual partners, as is required by ELEC.

63. May a partner of a Limited Partnership contribute under the reportable amount?

Answer: Yes, individual partners can each contribute \$300 or less, and such contributions are not attributed to the partnership provided the contribution was not given in cash. For cash contributions, any amount is considered reportable.

64. May a spouse of a LLP partner contribute more than the reportable amount?

Answer: Spouses residing with an officer of a corporation, partner of a LLP, LP or general partnership, member of a LLC and shareholder or officer of a PC, are also precluded from contributing more than \$300 to a political committee or election fund. However, Executive Order 117 does not apply to the spouse, civil union partner or child when contributions are made to a candidate for whom the contributor is entitled to vote or to a political party committee within the jurisdiction the contributor resides.

65. If a company has a current State contract can they contribute to a county political party?

Answer: Pursuant to N.J.S.A. 19:44A-20.21, it is a breach of contract to make a reportable contribution (meaning a contribution in excess of \$300 or a contribution in cash) to county political party committees during the term of the contract.

66. Are employees employed by the company allowed to contribute to a county political party while the company has a current State contract?

Answer: An employee may contribute to a county political party provided that the employee is not an officer of the company and does not have a 10% or greater ownership interest if the business entity is a corporation or does not have any equity interest if the business entity is a LLP, LP, LLC, GP or PC. However, pursuant to N.J.S.A. 19:44A-20.21, if an employer makes or solicits contributions directly or indirectly through its employees or reimburses an employee in order to circumvent the

effects of the statute by concealing the source of a contribution it is a breach of the contract

67. Our political action committee (PAC) has contributed to a State political party committee and one of the PAC member's has a contract with the State. Would Chapter 51 apply to the member with the State contract? What if the member contributes to our PAC, and in turn our PAC makes a contribution?

Answer: There are several ways in which your committee's members could be impacted by Chapter 51:

If the PAC is determined to be controlled by one or more members that have State contract(s), then the PAC's contributions would be attributed to the member(s) as part of the member's business entity under Chapter 51.

In addition, assuming the PAC is a "Continuing Political Committee" under NJ law, contributions to the PAC by your members would be required to be disclosed in accordance with Chapter 51. The disclosure would trigger a "conflict of interest" review, in which we would take into consideration: whether the contributions were given to the PAC as a means of circumventing the restrictions of Chapter 51, which would be a violation of the statute; and whether there are other factual indications that would raise "conflict of interest" concerns with respect to the contribution from the member to the PAC, and subsequent contributions from the PAC to political committees.

68. Chapter 51 includes a section on eminent domain. It specifically states that the provisions of the statute shall not prevent agencies "from complying with all of the requirements, conditions and obligations of the "Eminent Domain Act of 1971..." What is the process that our agency has to follow with respect to the requirements of the statute? Can we negotiate the purchase of property without the filing of a complaint under the Eminent Domain Act?

Answer: The exemption in Chapter 51 of acquisitions accomplished in compliance with the Eminent Domain Act was intended to allow agencies to conduct the bona fide negotiations required by the Act. As such, the positive results of any negotiations conducted in compliance with the mandates of the Act are outside the purview Chapter 51.

69. The owner of our company held a fundraising dinner for one of the Republican candidates for Governor and personally contributed an amount over the \$300 reportable threshold. If this candidate withdraws from the race or fails to secure the party nomination to run for Governor, do Chapter 51 and Executive Order 117 restrictions apply?

Answer: Yes, both apply. Chapter 51 is interpreted consistent with Election Law Enforcement Commission (ELEC) laws in that a candidate who has sought election for a primary or general election is a candidate regardless of his/her success or failure in that election. Moreover, an individual seeking election in this instance would also be

considered a candidate for purposes of reporting under ELEC laws when that candidate has received funds or other benefits (i.e. contributions from a fundraising dinner) in order to make a decision on whether to run for a primary or general election.

70. If a vendor has a contract with the State of New Jersey and the vendor intends to make contributions to continuing political committees (CPC's), to whom must the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form be addressed for review and approval?

Answer: If the vendor already has a current Chapter 51/EO 117 Two-Year Certification form on file and has made a contribution to a CPC, the vendor is required to complete a new form and send it to the Chapter 51 Review Unit for review. The vendor can also send a new form directly to the Chapter 51 Review Unit if it is approaching the end of their two year certification and wishes to renew for another two years. All other submittals must be sent directly to the State Agency which you are seeking a contract and addressed to the contact person for that agency.

71. Is the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form required to be notarized?

Answer: No, however the form calls for the authorized representative to certify the responses, which means that the authorized representative is certifying that the statements on the form are true and that if any statement is willfully false, the representative may be subject to punishment.

72. We are the concessionaire at certain venues within the State of New Jersey. Many of our contracts with the owner/operators of such venues provide that we are to be the exclusive food and beverage provider at such venues. Since there is no bid process, and the State agency is required to use our company for its food and beverage needs should it decide to schedule an event at such venue, it would appear that the rationale behind Chapter 51 wouldn't be implicated (i.e., that the fair bidding process shouldn't be compromised through the use of political donations). In other words, there is no bid process, there are no alternative suppliers, and accordingly, there is no opportunity for a vendor to gain favor through contributions. In such an "exclusive rights" circumstance, must we as the service provider still comply with Chapter 51?

Answer: Under the circumstances described, it appears that the relevant contracts for Chapter 51 purposes would be the agreements between your company and the public agencies or authorities that are the owners/operators of the venues, if applicable, not a State agency which may schedule events at the venues.

73. The New Jersey Sports Authority has collective bargaining agreements with 13 different unions. Are the unions subject to the provisions of Chapter 51 and Executive Order 117?

Answer: No. Collective bargaining agreements are not transactions subject to Chapter 51 or EO 117.

74. For purposes of determining the principals of a limited liability company (LLC) that holds a state contract valued over \$17,500, would a corporation which owns 1% of the LLC be considered a principal subject to the restrictions and reporting requirements of Chapter 51?

Answer: A limited liability company is a for profit company and any equity member is subject to the restrictions and reporting requirements of Chapter 51.

75. I represent a limited liability partnership that has a lease agreement with a State agency with a value in excess of \$17,500. This lease is still in effect. Can owners of this partnership contribute to current gubernatorial campaigns, and state or county political parties?

Answer: Unless the lease agreement was signed prior to October 15, 2004, partnership principals are prohibited from making such contributions prior to the completion of the contract or agreement.

76. I represent several entities which are limited liability companies and limited liability partnerships that have contracts with a value above \$17,500 with the State. Members and partners of these entities are subject to the restrictions and reporting requirements in Chapter 51 and Executive Order 117. Because business entity is defined to include a natural person, and because, "if a business entity is a natural person, that person's spouse or child, residing therewith, are also included in this definition," are the spouses and at-home children of equity members and partners in limited liability companies and limited liability partnerships subject to Chapter 51 and Executive Order 117?

Answer: Effective November 15, 2008, Executive Order 117 revised the definition of business entity to include the spouse, civil union partner or child residing with an individual who is included within the definition of business entity. However, the Executive Order does not apply to the spouse, civil union partner or child when contributions are made to a candidate for whom the contributor is entitled to vote or to a political party committee within the jurisdiction the contributor resides.

77. Does Chapter 51 apply to Federal Social Services Block Grant funding received through DYFS?

Answer: If this funding is a true grant, this grant is not subject to Chapter 51.

This funding could be construed differently, however, if the procurement transaction designated as a 'grant' is, in fact, a contract for goods or services or if the State has a substantial role in the funded activity. In that instance, the restrictions of Chapter 51 would apply.

78. Our agency receives electricity and natural gas from a BPU regulated utility company. Billings for these services are based on tariffs established by the BPU. Is it necessary to have these utility companies complete the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form?

Answer: Utility companies that are providing a BPU-regulated service (e.g. electricity, natural gas, cable) are outside the scope of Chapter 51.

79. Our firm will be merging to form a new firm with two additional principals. Since December 2007 our firm has been a vendor, under a contract with a State agency. Our contract will end at the end of this month. My question is, if one of our firm's new partners has made a contribution to a state party committee, county party committee, candidate for Governor or Lieutenant Governor, legislative leadership committee or municipal political party committee in the past year, would the new firm be eligible to receive a State contract?

Answer: In order to be awarded a State contract, the new firm will have to submit a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form. As such, each equity partner's contributions would be attributable to the partnership and must be disclosed. If one or more of the firm's partners, as a result of the merger, has made a reportable contribution, your firm would not be eligible for any new contract awards until the period of disqualification expired. However, if the reportable contribution was made before the merger by someone who was a partner only as a result of the merger, it would not be considered a breach of the contract pursuant to N.J.S.A. 19:44A-20.21.

80. Under federal law, pharmaceutical manufacturers are required to enter into an agreement with the Center for Medicare and Medicaid (CMS) to provide rebates for their drug products paid for by Medicaid. Manufacturers that do not sign an agreement with CMS are not eligible for Medicaid Coverage of their product(s). Since the State Medicaid rebate agreements are required under federal law, is it correct to assume that the pharmaceutical manufacturers that execute Medicaid rebate agreements are not prohibited from making political contributions under Chapter 51 and Executive Order 117?

Answer: The State Medicaid rebate agreement does not constitute contract awards, and therefore are not subject to and do not trigger the restrictions of Chapter 51 and Executive Order 117.

81. The State has a similar form agreement to the Medicaid rebate agreement concerning the PAAD and Senior Gold programs. Signature of the New Jersey drug rebate agreement is mandated in order for the drugs produced by a manufacturer to be eligible for State funding when dispensed to PAAD or Senior Gold beneficiaries. The provision of drugs in these two programs is not subject to the public bidding provisions. Is it correct to assume that the pharmaceutical manufacturers that enter into rebate agreements with the Department of Health

and Senior Services are not prohibited from making political contributions under Chapter 51 and Executive Order 117?

Answer: The State rebate agreements under the referenced programs do not constitute contract awards, and therefore are not subject to and do not trigger the restrictions of Chapter 51 and Executive Order 117.

82. If a manufacturer is prohibited from making certain political contributions under Chapter 51 and Executive Order 117, does the prohibition apply to a PAC or continuing political committee formed by a pharmaceutical manufacturer?

Answer: A continuing political committee formed by and under the control of a manufacturer would be considered part of the business entity of the manufacturer. Accordingly, the restrictions applicable to the manufacturer would be applicable to the committee, and contributions by the committee would be attributable to and required to be reported by the manufacturer.

83. May an individual, corporation, limited liability corporation or limited partnership that has a contract with the State of New Jersey exceeding \$17,500 make a contribution to the following committees: 1. Senate Democratic Majority; 2. Senate Republican Majority; 3. Democratic Assembly Campaign Committee; 4. Assembly Republican Victory?

Answer: The four committees listed are all legislative leadership committees and are restricted under EO117. A business entity with a State contract which was entered into after November 15, 2008, the effective date of EO117, will be prohibited from making a reportable contribution to any of the four committees.

84. State, county and municipal agencies and authorities will often advertise, obtain membership, sponsor and or attend a specific trade association's events or publications. The fees paid for these advertisements, memberships, sponsorships, and attendance fees often exceed \$17,500. We recognize that the Department has previously responded that Chapter 51 "applies to the purchase of services, materials, supplies and equipment, and the acquisition, sale or lease of land or buildings." Are the fees paid for advertisements, memberships, sponsorships and attendance fees of the trade association equivalent to entering into an "agreement or contract" or considered a "transaction" for the purposes of Chapter 51?

Answer: Fees paid to a trade association for memberships and/or sponsorships are not considered contracts to procure goods or services. In addition, fees paid to place advertising in a trade circulation or in the general media would not be considered contracts to procure goods or services and would not trigger Chapter 51 or Executive Order 117. However, fees paid to a business entity (such as an advertisement/marketing company) to secure the placement of ads on behalf of the State Agency, are within the scope of the law and a Two-Year Chapter 51/Executive

Order 117 Vendor Certification and Disclosure of Political Contributions form would be required.

85. If fees paid to a trade association for advertisements, memberships, and/or sponsorships are outside the scope of Chapter 51, is it correct to assume that the trade association would not be precluded from making political contributions to gubernatorial candidates or county or State political party committees or legislative leadership committees?

Answer: Although fees paid to a trade association for advertisements, memberships, and/or sponsorships are outside the scope of Chapter 51, a trade association's contributions to gubernatorial candidates or county or State political party committees or legislative leadership committees would affect its eligibility for contract awards.

86. I have read newspaper accounts that indicate giving to a State political party is not a Chapter 51 violation if the contribution is directed specifically to the federal account; is this accurate?

Answer: The New Jersey Election Law Enforcement Commission (ELEC) issued an Advisory Opinion (No. 03-2006) stating that contributions to the federal account of a New Jersey State political party committee are outside of the jurisdiction of ELEC, so long as the funds in the "federal account" are used exclusively for federal election purposes and are not spent on State candidates or elections. See the ELEC Advisory Opinion at: <http://www.elec.state.nj.us/legalresources/advisory.htm>

Thus, if the contribution to the federal account of a State political party is handled in accordance with those limits, the answer is yes.

87. If a vendor has made an inadvertent contribution and it was refunded beyond the 30 day limit that reverses disqualification, what is the exact time the vendor is not eligible for State contract awards?

Answer: Your question raises two separate issues.

First, Chapter 51 states that an inadvertent contribution may be returned to the contributor, and eligibility for State contract award restored, if the refund is obtained within thirty days of the contribution. A refund obtained more than thirty days after the date of the contribution will not restore the eligibility of the vendor. Contributions made within 60 days of a gubernatorial primary or general election are not considered inadvertent, and a refund obtained within the 30 day timeframe would not restore eligibility.

Second, the period of ineligibility depends upon the timing of the contribution, and the committee to which the contribution was made. As a general rule, there is an eighteen (18) month period during which the contributor is not eligible for State contract award when contributions are to the following political entities:

Candidate Committee/Election Fund for candidate for Governor or Lieutenant Governor
County Political Party Committee
State Political Party Committee
Municipal Political Party Committee
Legislative Leadership Committee

There are longer periods of disqualification for contributions to some of these entities, in the following circumstances. Where the contribution is made to a candidate committee or election fund of a sitting Governor or Lieutenant Governor, or to the State or county political party committee of the party which nominated the sitting Governor and Lieutenant Governor, and the contribution is made during the Governor's term of office, the contributor is ineligible for State contract award for the remainder of the Governor's term of office or 18 months whichever is longer.

Finally, where the contribution is made to a candidate committee or election fund of a sitting Governor or Lieutenant Governor, or to the State or county political party committee of the party which nominated the sitting Governor and Lieutenant Governor, and the contribution is made during the last eighteen months of the Governor's term of office, the period of ineligibility could extend through the next gubernatorial term if the sitting Governor is elected to a second term of office.

88. For State term contracts issued by the Division of Purchase and Property, does the \$17,500 transaction threshold amount established by the statute pertain to each individual purchase made by each term contract user or to the aggregate purchases made by all term contract users combined?

Answer: The \$17,500 transaction threshold applies to the aggregate purchases made, or expected to be made, by all users of the individual State contract. When the Division of Purchase and Property prepares to award a term contract to a vendor, that agency obtains a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form from the intended awardees. For this reason, using agencies need not obtain certification and disclosure forms for purchases from contracts already awarded by the Division of Purchase and Property.

89. Do all potential vendors have to send in the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form with their bids?

Answer: If you are responding to an RFP, RFQ or other contract solicitation, you should follow the specific directions provided. When the Division of Purchase and Property conducts a procurement, it only requires the form from the intended awardee(s).

90. Does EO 117 extend restrictions only to “equity partners” (the actual “owners” of partnerships and like entities) or do they affect non-equity partners, their spouses and resident children?

Answer: EO 117 applies to any partner with an ownership interest and by extension their spouse or civil union partner and resident children. EO 117 does not apply to people who hold the title of “partner” but do not actually have an ownership interest in the business entity. This is consistent with the Election Law Enforcement Commission (ELEC), which defines partner as 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 of 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. N.J.A.C. 19:25-26.1.

91. May partners with an ownership interest solicit multiple contributions of \$300 or less?

Answer: Yes. Chapter 51 prohibits the State from contracting with business entities that have solicited or made any “contribution” of money to certain candidates or committees. A “contribution” means a contribution reportable by the recipient under the New Jersey Campaign Contributions and Expenditures Reporting Act (CCERA). Reportable contributions under the CCERA are currently those in excess of \$300 from a single source in the aggregate per election for a candidate committee and per calendar year for a continuing political committee.

92. I wanted to clarify the contribution restrictions under Chapter 51 for companies that do business with the State. How is the \$300 reportable contribution threshold applied regarding a limited liability company? Is the \$300 limit applied only to the limited liability company (LLC) or can each member (10% owner) also contribute \$300?

Answer: A limited liability company (LLC) organized pursuant to N.J.S.A. 42:2B-1, et seq., with a State contract is not permitted to make contributions as an entity but instead, its contributions may be attributed to its members. N.J.A.C. 19:25-10.15, N.J.A.C. 19:25-11.10. For Chapter 51 purposes, a reportable contribution is any contribution made by check in excess of \$300 in the aggregate made by any member of the LLC, or a contribution of any amount made in cash, including those members with less than 10% ownership interest. Each member of the LLC may make a contribution by check of \$300.

93. If a corporation makes a reportable contribution to a non-incumbent candidate for Governor, how long is it disqualified from bidding on public contracts?

Answer: Contributions to a successful candidate for Governor made prior to the candidate’s inauguration, disqualify a business entity for 18 months from the date of the contribution. Contributions made to the holder of the public office of Governor, disqualify the business entity for the remainder of the term of the governor. If the contribution is made during the last 18 months of the Governor’s current term, the period of ineligibility would extend through the next term if the Governor is reelected for

a second term. Contributions to an unsuccessful candidate will disqualify a business entity for 18 months from the date of contribution.

94. Can each member of a limited liability company with a State contract make a \$300 contribution to a gubernatorial candidate, or are the contributions aggregated for purposes of the \$300 limit towards the company? In other words, is the \$300 limit attributable to the company or to each partner/member?

Answer: Each member of the LLC is allowed to make a \$300 contribution to a gubernatorial candidate except if the contribution is given in cash. Any contribution over \$300 from any equity member would be a breach of contract. A limited liability company organized pursuant to N.J.S.A. 42:2B-1, et seq., is not permitted to make contributions as an entity. N.J.A.C. 19:25-10.15. For more detailed information, please refer to New Jersey Administrative Code N.J.A.C. 19:25-1.1, et seq.

95. Is there any limit on the spouse of an officer of a company with a State contract contributing to a gubernatorial candidate?

Answer: Spouses or civil union partners and any child over 18 residing with the officer are allowed to contribute to a candidate for whom they are entitled to vote or to a political party committee within whose jurisdiction the contributor resides. This would include a gubernatorial candidate.

96. I have filled out the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form and I need to know where I can email this form or if I can't email it to whom and where do I mail it.

Answer: Vendor Certification and Disclosure of Political Contributions forms are to be submitted to the contracting State Agency. The contracting State Agency is required to email the forms to: CD134@treas.nj.gov

Forms submitted by mail from the State agency should be sent to:

**Dept. of the Treasury
Chapter 51 Review Unit
PO Box 230
Trenton, NJ 08625**

The Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form is available at:

<http://www.state.nj.us/treasury/purchase/forms/eo134/Chapter51.pdf>

97. We are a State agency planning on contracting with a company that has an individual stock owner who owns more than 10% of the company's stock but this individual is not an active principal of the company. Must we require a Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form from this individual? Accordingly, if we have an ownership

disclosure form which lists four individuals as having equal stock ownership, if two of those individuals are "active" principals and the other two are "inactive", do we require forms for the two inactive stockholders? Thus, are the two inactive stockholders considered "principals"?

Answer: Chapter 51 and Executive Order 117 do not make a distinction between active or inactive principals within a business entity. Therefore, both the active and inactive principals are subject to the requirements.

98. Do we have to supply a separate Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form for each member of an LLC; even our members with less than 10% equity interest?

Answer: The Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form can be signed by one authorized representative on behalf of the business entity and any individual or business entity whose contributions would be attributed to the business entity. In your particular case, the representative can sign on behalf of the LLC and all equity members of the LLC, including those with less than 10% equity interest. If the representative does not wish to authorize this type of certification, separate forms must be obtained from those individuals/entities that certification is not being provided for.

99. May a state contractor subject to pay-to-play restrictions freely make contributions to the newly formed Republican Governors Public Policy Committee (RGPPC), 1747 Penn. Ave., Suite 250, Washington, D.C. 20006? It purports to be a 501(c)(4) organization under Internal Revenue Code and advises that it does not contribute to candidates or engage in elections on the local, state or national level. Is any contribution to RGPPC even required to be disclosed by a State contractor at time of competitive bids or in its annual report?

Answer: The Republican Governors Public Policy Committee, an affiliate of the Republican Governors Association, is not within the scope of Chapter 51 or Executive Order 117 and contributions to it would not be prohibited or required to be disclosed.

100. We are a corporation that provides professional services to the State. I believe we fall into the business type category of a "corporation". There is also a "Professional Corporation" category. Can you please confirm that the professional corporation category does not apply to a corporation that supplies professional services?

Answer: On the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form under "Part 1: Business Entity Information," there are 5 business types listed. If your business is a legally formed corporation, you should check the Corporation box. Only vendors that are legally formed as a P.C. (professional corporation) should check the Professional Corporation box.

101. Regarding the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form, “Part 2: Disclosure of Contributions,” we have already filed an Annual Statement with ELEC (Election Law Enforcement Commission). Should we just list those contributions made since the filing of our annual statement? Otherwise, what is the starting date for listing contributions?

Answer: The Business Entity Annual Disclosure Statement is required to be filed with ELEC and is not used in the review process of the Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions form. Please refer to the Information and Instructions form for a complete list of all contributions required to be disclosed.

102. We are a corporation with our president having 100% ownership. On the Vendor Certification and Disclosure for Political Contributions form, specifically page 2, it references certifying on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity. Who all does this cover and is our VP able to sign?

Answer: Where the business entity is a corporation, it covers each 10% or greater shareholder, all officers of the corporation, each controlled subsidiary or Section 527 Political Organization and spouses and children of legal age (18 years and older) residing with a shareholder or officer. An authorized representative may complete only one form on behalf of all of these people and entities if the authorized representative has the requisite authority. Please see Question #98 for more information.

103. Would a contribution given to a political committee restricted under Chapter 51 or EO 117 be considered disqualifying if the total amount was \$300 or less, but given in cash?

Answer: Yes, a contribution reportable by the recipient shall mean a currency contribution in any amount or a contribution or contributions in excess of \$300 in the aggregate per election made to or received by a candidate committee or joint candidates committee or per calendar year made to or received by a political party committee or legislative leadership committee.

104. I represent a business that was previously majority owned by a large financial company (its former parent company). The business was spun-off and is now an independent publicly traded company. The former parent company no longer owns any shares of the business in its own accounts, so as of today it would not be considered a 10% owner for purposes of the NJ campaign contribution disclosure requirements. However, as of a year ago the former parent company would have fallen within the 10% owner definition. Are the former parent and its officers subject to the contribution disclosure requirements?

Answer: In respect to corporations, Chapter 51 and Executive Order 117 apply to the corporation itself, all officers of the corporation, any 10% or greater shareholders of the corporation and the spouses or civil union partners and any children who reside with the officers. Assuming negotiations started after the business was spun off, the former parent company would not be included in the definition of business entity.

105. Would it be appropriate under Chapter 51 and EO 117 for one of our managing directors to host and/or attend an event for a presidential candidate that currently is the holder of the public office of Governor? Also, would it be appropriate for him to make a contribution to a federal Super PAC supporting the Governor's candidacy for president?

Answer: Chapter 51 and EO 117 do not apply to a federal candidate election fund, regardless of the State office the candidate currently holds. Additionally, contributions to a federal Super PAC, also known as an "independent expenditure-only committee," are also not restricted under Chapter 51 and EO 117.

Exhibit L

Exhibit L

Bidders should refer to the RFP specifications document,
to which *Exhibit L* is annexed in the electronic file,
in MS Word format.

Exhibit M



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
Internal Process Management Department

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 #: _____ Bid / Proposal Title: _____

NOTE: Bidder / Proposer MUST 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 BID / PROPOSAL. A bid / proposal will not be reviewed and evaluated, unless and until the Bidder has correctly completed, signed and submitted this form.

Addendum # / Q&A #	Dated	Acknowledge Receipt (Bidder MUST initial for EACH Addendum & "Questions & Answers" issued for this bid)

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 N

EXHIBIT N

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
Solicitation of Quotations and Proposals
Methodology and Procedures
Auditing and Job Certification Review Consulting Services
(reference 2016-RFQ/P-076)

The Consultant Firm will be responsible for the completion of a variety of service requirements as part of its Consulting Services Fee. In the event it becomes necessary for the Consultant Firm to procure specialized services to complete the services required herein, the Firm will do so in accordance with the following methodologies and procedures:

1. For all subcontracts or purchases estimated to be in excess of \$1,000.00, at least three (3) proposals will be obtained by the Consultant Firm. A minimum of three (3) actual prices must be obtained; a “no quote” is not considered to meet the definition of a competitive quote.
2. Prior to hiring any subcontractor or entering into a purchase commitment (i.e. purchase order, price agreement, maintenance or service agreement, etc.) in excess of \$1,00, the Consultant Firm must provide copies of all documentation (i.e. written *Requests for Quotation / Proposal* sent to prospective vendors) and quotations / proposals received (i.e. written responses received from prospective vendors) substantiating the engagement or purchase, as well the Consultant’s written recommendation for award. Also included should be any pertinent information that may assist the Authority’s designated staff member in reviewing and approving the purchase (i.e. technical specification sheets, etc.)
3. The recommendation for award must be sent to the Authority’s designated staff member for items to be purchased relating to the technical infrastructure of the given facility), as well as for those items relating to the operations needs of a given facility, for review and written approval.
4. *Requests for Proposal* are issued for the purchase of service-oriented items, where it is necessary to evaluate the Proposer’s price, as well as other previously established evaluation criteria, such as quality, experience, staff experience, previous performance of similar services with other clients, etc. *Requests for Quotation* are issued for the purchase of tangible goods (i.e. thumb drives, CD ROMs, etc.), where no service is provided and price is the determining factor in the award.
5. For all subcontracts or purchases estimated to be in excess of twenty-five thousand (\$25,000) dollars, the Consultant Firm must prepare a formal, written *Request for Proposal* and obtain no less than three (3) sealed proposals from qualified firms.
6. The *Request for Proposal* will clearly indicate a location, date and time for receipt and opening of proposals.
7. The Consultant will provide copies of the *Request for Proposals* to the Authority’s designated staff member, prior to releasing the proposal to prospective Bidders.
8. The Authority reserves the right, in its sole discretion, to attend proposal openings.
9. Prior to issuing a *Request for Proposal*, the Consultant Firm will seek the Authority’s written approval for all subcontractor work or purchases estimated to exceed twenty-five thousand (\$25,000), utilizing Authority’s “*Procurement Approval Request*” form attached to this RFQ/P as *Exhibit O*.
10. Under no circumstances may purchases and / or subcontracts be split / processed separately in an attempt to avoid the above thresholds.
11. To facilitate the Authority’s review of the proposals / bids received, when preparing its recommendation for award, the Consultant Firm will supply the following detailed information for each subcontractor:
 - a. name and address of the subcontractor;
 - b. detailed description of the services to be performed by the subcontractor;
 - c. detailed résumés for subcontractor personnel assigned to the project that demonstrates the individual(s) knowledge, ability and experience as it relates to the project to be completed;

- d. documented experience of the subcontractor in successfully performing work on projects of a similar size and scope of the project;
 - e. specific details on how the subcontractor's services will be managed by the Consultant Firm and integrated into the overall services provided by the Consultant Firm;
 - f. the subcontractor's SBE, MBE and / or WBE designation, if applicable.
- 12.** Upon award of any subcontract and prior to the start of any work by a subcontractor, the Consultant Firm and a representative of the subcontractor will be available for an initial meeting with Authority's designated staff member and, should the Authority deem such a meeting to be necessary. This meeting will include a review of all facility use rules and an introduction to the organization and appropriate staff.
- 13.** Upon award of each subcontract, and prior to the commencement of any work, the Consultant Firm will provide *Authority* with a copy of the subcontractor's "*Business Registration Certificate*" (*BRC*), proof of insurance (if required), "*Public Works Contractor Registration Certificate*" (if applicable) and evidence of registration / certification as a SBE, MBE or WBE firm, as applicable.

Any non-emergency work performed by the Consultant or any subcontractor prior to the approval of the Authority will be performed at its own risk. Any non-emergency work performed by the Consultant Firm or its subcontractors outside the specifications without authorization of the Authority is solely the responsibility of the Consultant Firm for any costs incurred.

- 14.** When issuing a purchase in support of the Consulting Services required herein, the Consultant will ensure that it clearly indicates to the Vendor, in writing, with a copy to the Authority's designated Authority staff member that all services provided, goods purchased or material disposed of, etc. shall be in accordance with all federal, state and local laws and regulations, by appropriately licensed / certified personnel, as may be required by federal, state or local law. NO EXCEPTIONS.
- 15.** When issuing a purchase in support of the IH Consulting Services required herein, the Consultant will ensure that it clearly indicates to the Vendor, in writing, with a copy to the Authority's designated staff member that all licenses, registrations, warranties and any other such extended benefit shall be issued in the name of the New Jersey Economic Development Authority; NOT the Consultant Firm. NO EXCEPTIONS.
- 16.** Upon verification of satisfactory supply and / or supply and install of a purchased item or service, the Consultant will submit to the Authority for reimbursement, the following documentation:
- a. an original invoice from the Consultant referencing the purchase made
 - b. the original Vendor invoice(s) for the particular good(s) / service(s) purchased
 - c. copies of a minimum of three (3) quotes / proposals solicited for the purchase, if not previously provided
 - d. compliance documentation from the awarded Vendor (*i.e. Business Registration Certificate, Monthly Status Report, P.L. 2005, c.92 Source Disclosure form (if applicable - for services)*)
 - e. original "*Bid Approval*" form (*Exhibit O*) indicating signature approvals from the Authority's designated staff member, authorizing the purchase.

(The Authority's designated staff member signature will confirm that the materials were received in good condition, properly installed and functioning correctly.)

Upon receipt of such non-disputed invoices, the Authority will make prompt payment for the good(s) / service(s) purchased to support the Authority's needs in the performance of work against the resulting contract.

EXHIBIT O



EXHIBIT O

**New Jersey Economic Development Authority
 Procurement Approval Request
 Auditing and Job Certification Review Consulting Services**

Date of Request to Authority: _____

Work Order # Assigned: _____

Property Location Name: _____

Tenant Name (if applicable): _____

Proposed Services:

Type of Services Required:	
Frequency of Services: (one time; monthly; annual)	
Estimated Value of Services:	
Estimated Completion Date:	
Contract Type: (invoice; purchase order; contract)	

For services estimated to be greater than \$1,000:

Attached:

Written Scope of Services Prepared by Consultant: (include sealed bid requirement, if estimated services are greater than \$25,000)	<input type="checkbox"/>
List of Proposed Vendors: (minimum of 3 but sufficient pool of Bidders solicited to ensure 3 bids / proposals are received)	<input type="checkbox"/>
Proof of SBE / MBE / WBE / VOB Status (if applicable) The Vendor shall note that bids may ONLY be Set Aside for SBE firms; no other designation(s).	<input type="checkbox"/>
Proposal Due Date:	

Submitted: VENDOR NAME

By: _____
Authorized Representative's Name

_____ *Title*

_____ *Authorized Representative's Signature*

_____ *Date*

Approved: NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

By: _____
Authorized Representative's Name

_____ *Title*

_____ *Authorized Representative's Signature*

_____ *Date*

Written Proposals Received:

Under \$25,000 Greater than \$25,000 (requires sealed proposals)

Name of Vendors:		Fee / Price Proposal:**
1.		
2.		
3.		
4.		
5.		
6.		

**Indicate whether fees / prices are based on annual, monthly, hourly costs intervals. Include hourly rates and unit prices, if applicable. Attach written documentation from Vendors failing to respond to the solicitation (i.e. "No Bid" responses).

The Consultant recommends award to the lowest-priced responsive Bidder (or in the case of an RFQ/P, to the highest ranked Proposer) the following vendor to perform the services referenced above. The services are required and the fee/unit/rate is reasonable. The Consultant certifies that this procurement meets all requirements of the New Jersey Economic Development Authority and all required compliance documentation is attached.

Recommended Vendor:

Price:

Justification:

Required Submittals:

Attached

Proposal / Bid from Recommended Vendor		
Evidence of Affirmative Action Compliance with EEO		Required before contract / PO is issued
Ownership Disclosure		Required WITH the bid / quote / proposal
Disclosure of Investment in Iran		Required WITH the bid / quote / proposal
Source Disclosure (if Services are to be provided)		Required WITH the bid / quote / proposal
Business Registration Certificate (required for all goods / services)		Required before contract / PO is issued
Public Works Contractor Registration (required for all construction-related services)		Required before contract / PO is issued
Union Affiliation (required for all Tech Centre services)		Required WITH the bid / quote / proposal
SBE / MBE / WBE / VOB Certification (if applicable - to ensure 25% goal – include on Monthly Status Report)		Required before contract / PO is issued

Submitted: CONSULTANT FIRM NAME

By: _____
Authorized Representative's Name *Title*

_____ _____
Authorized Representative's Signature *Date*

Approved: NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

By: _____
Authorized Representative's Name *Title*

_____ _____
Authorized Representative's Signature *Date*

Invoices from Vendors cannot be processed by the Authority until the following has been received:

- a. copy of fully executed purchase order or contract must be on file at New Jersey Economic Development Authority;
- b. original invoices must be attached to all requests for payment;
- c. all compliance documentation, as stated above or as may be required by law, must be submitted to and approved by the New Jersey Economic Development Authority;
- d. all firms with which the Consultant Firm does business shall possess and submit evidence of its valid "Business Registration Certificate" as issued by the New Jersey Department of Treasury – Division of Revenue;
- e. a fully completed and signed Monthly Status Report, as applicable.

IMPORTANT:
 Services / purchases cannot be divided into separate approval requests / procurements to circumvent the procurement process. The total expenditure threshold reflects the estimated expense in the aggregate in a twelve (12) month calendar year.

EXHIBIT P

**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.

- | | | |
|---|--------------------------|--------------------------|
| | YES | NO |
| 1. Are there any individuals, corporations or partnerships owning a 10% or greater 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 individuals ? | <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 corporations or partnerships ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. If your answer to Question 3 is "YES", are there any parties owning a 10% or greater 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.

Individuals	
<p>Name: _____ Date of Birth: _____</p> <p>Home Address: _____</p> <p>City _____ State _____ Zip Code _____</p> <p>Are there additional entities holding 10% or greater 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 gray; padding: 5px; width: 80px; margin: auto;">Delete Entry</div>
<div style="border: 1px solid gray; padding: 5px; width: 300px; margin: auto;">Add An Additional Individuals Entry</div>	

Partnerships/Corporations

Entity Name: _____

Partner Name: _____

Business Address: _____

City _____ State _____ Zip Code _____

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

Yes or No

Delete Entry

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: _____

Do Not Enter PIN as a Signature

Title: _____ Date: _____

FEIN/SSN: _____

EXHIBIT Q

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 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: _____

Do Not Enter PIN as a Signature

Title: _____ Date: _____

EXHIBIT R

Proposers should utilize the Exhibit R – Fee Schedule File posted to the Authority’s website to prepare the Fee Schedule. This specimen copy is provided for reference only.



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

RFQ/P #: 2016-RFQ/P-076

AUDIT and JOB CERTIFICATION REVIEW CONSULTING SERVICES
(This is a RE-BID of 2016-RFQ/P-067 for which no responsive proposals were received.)

EXHIBIT R - MANDATORY FEE SCHEDULE - Sections 1A-1M and OPTIONAL Sections 2, 3 and 4

PROJECTED FIVE (5) YEAR OUT-OF-POCKET EXPENDITURE

1 The Proposer shall indicate its "Fully Burdened Hourly Rates" in Section 1A-1M, for each position which will or which it is expected will perform Work against the resulting contract AND indicate the number of positions quoted in this Section. Proposals which fail to complete the mandatory Sections 1 A-1M will be deemed non-responsive and will not be evaluated.
If a fee will not be assessed for the Optional Fee Schedule Items# 2,3 and 4; the Proposer should indicate 0% as its Price / Fee. If left "blank"; the Price / Fee will be evaluated as though a fee will not be assessed for Expedited Services.
3. In the Optional Fee Schedule area, the Proposer may indicate an "Annual Percentage Price Escalator" applicable to the Extension Options years, if so exercised, as well as an "Expedited Thirty (30) Day Premium Percentage Fee" (if any), and an "Expedited Sixty (60) Day Premium Percentage Fee" (if any) by which it will increase its Task Order Cost Proposal, should expedited services be required by the Authority.

- IMPORTANT NOTE REGARDING MAKING CHANGES to this FORM -
DO NOT DELETE OR USE THE SPACE BAR TO MAKE CHANGES TO THIS FEE SCHEDULE. YOU MUST "CLEAR CONTENTS" IN A GIVEN CELL.
This is done by right clicking the mouse and selecting "Clear Contents".

The Proposer shall indicate its pricing for EACH of these "Mandatory Fee Schedule" items, as indicated below. Failure to do so will render the proposal materially non-responsive.

SECTION	FULLY BURDENED HOURLY RATES POSITION / TITLE	Quantity	UNIT OF MEASURE	UNIT PRICE	EXTENDED PRICE (Initial 3 Yr. Term)	ESTIMATED EXPENDITURE INITIAL TERM (Initial Three (3) Year Term)	ESTIMATED EXPENDITURE FIRST YEAR EXTENSION OPTION (4th Year - if so exercised)	ESTIMATED EXPENDITURE SECOND YEAR EXTENSION OPTION (5th Year - if so exercised)	PROJECTED TOTAL FIVE (5) YEAR PROJECTED "OUT OF POCKET" EXPENDITURE (to include a quantity of one (1) Fully Burdened Hourly Rate)	
MANDATORY FEE SCHEDULE	A	1	Hour		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	B			\$0.00	\$0.00	\$0.00				
	C			\$0.00	\$0.00	\$0.00				
	D			\$0.00	\$0.00	\$0.00				
	E			\$0.00	\$0.00	\$0.00				
	F			\$0.00	\$0.00	\$0.00				
	G			\$0.00	\$0.00	\$0.00				
	H			\$0.00	\$0.00	\$0.00				
	I			\$0.00	\$0.00	\$0.00				
	J			\$0.00	\$0.00	\$0.00				
	K			\$0.00	\$0.00	\$0.00				
	L			\$0.00	\$0.00	\$0.00				
	M			\$0.00	\$0.00	\$0.00				
PROPOSER SHALL ENTER the TOTAL # of POSITIONS Indicated Above in Section 1A - 1M:						\$0.00	\$0.00	\$0.00	\$0.00	
PROPOSER SHALL ENTER the TOTAL # of POSITIONS Indicated Above in Section 1A - 1M:						BLENDED FULLY BURDENED HOURLY RATE: <small>(i.e. Total number of hourly rates indicated, divided by the number of positions, i.e. an average.) Proposers will note that this field will automatically calculate based on the total number of positions entered to the left.)</small>			#DIV/0!	
OPTIONAL FEE SCHEDULE	2	OPTIONAL Annual Percentage (%) Price Escalator (if any) <small>(Applicable to Extension Option Years ONLY (i.e. 4th-5th years of the Contract, if exercised)</small>				SUBTOTALS <small>(INCLUDING one (1) Expedited Fee indicated in Item 4, if any.)</small>	<small>As indicated in "Section 26 - Evaluation Criteria / Selection Process", below is an illustrative detail based on a quantity of one (1) Standard Ninety (90) day TOR, one (1) Expedited Thirty (30) Day Premium Percentage Fee TOR" (if any) (ref. Exhibit R - Section 3) and one (1) "Expedited Sixty (60) Day Premium Percentage Fee TOR" (if any) (ref. Exhibit R - Section 4) based on a TOR Cost Proposal of \$1,000.00</small>			
	3	OPTIONAL Expedited Thirty (30) Day Percentage Premium Fee <small>(if any)(Applicable to ALL Years of the Contract, if so indicated)</small>					Standard Ninety (90) day TOR	Expedited Thirty (30) Day Premium Percentage Fee TOR"	"Expedited Sixty (60) Day Premium Percentage Fee TOR"	
	4	OPTIONAL Expedited Sixty (60) Day Percentage Premium Fee <small>(if any)(Applicable to ALL Years of the Contract, if so indicated)</small>					\$1,000.00	\$1,000.00	\$1,000.00	
<small>To ensure that all Proposers' pricing is evaluated equitably, the Authority shall consider the "Maximum Not to Exceed Audit and Job Certification Review Per Report Fee", the "Annual Percentage Price Escalator" and the "Expedited Thirty (30) Day Reporting Premium Fee" (if any), the "Fully Burdened Hourly Rates" and the "Blended Hourly Rates" when determining the Projected Total Five (5) Year Out of Pocket Expenditure Costs, based on a quantity of one (1) each for the potential five (5) year term.</small>						PROJECTED 5 YEAR "Out of Pocket" TOTAL EXPENDITURE (EXCLUDING Any Expedited Percentage Premium Fees <small>(ref. Exhibit R - Items # 2, 3 & 4)</small>			#DIV/0!	

PROPOSER'S INFORMATION.

Proposer's Company Name: _____

Street Address: _____ City / State: _____ Zip Code: _____

Authorized Representative's Name: _____ Authorized Representative's Title: _____ FEIN #: _____

Authorized Representative's Signature: _____ E-mail Address: _____ Telephone #: _____ Cell Phone #: _____

IMPORTANT NOTE:
In the event there are additional fees which the Proposer intends to assess that are not referenced in this Fee Schedule; the Proposer shall submit a question under the "Questions & Answers Period" established for this RFQ/P process to address these additional fees.
Fee Schedules which include additional charges beyond those indicated above, shall be deemed non-responsive and will be rejected.

MANDATORY FEE SCHEDULE

The Proposer SHALL COMPLETE ALL AREAS of this Fee Schedule and SIGN IT in INK. Failure to do so will render the proposal materially non-responsive and therefore subject to rejection.

The Proposer shall SIGN HERE.

PROPOSER SHALL COMPLETE ALL AREAS OF THE FEE SCHEDULE and SIGN in INK! Failure to do so shall render the Fee Schedule materially non-responsive.

EXHIBIT S

RESERVED

EXHIBIT T

RESERVED

EXHIBIT U

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

Solicitation Number: _____ Bidder/Offeror: _____

PART 1: PLEASE COMPLETE THE QUESTIONS BELOW BY CHECKING EITHER THE "YES" OR "NO" BOX.

PLEASE REFER TO THE PERSONS AND/OR ENTITIES LISTED ON YOUR OWNERSHIP DISCLOSURE FORM WHEN ANSWERING THE QUESTIONS BELOW.

NON-PROFIT ENTITIES: PLEASE LIST **ALL** OFFICERS/DIRECTORS IN **PART 2** OF THIS FORM. YOU WILL BE REQUIRED TO ANSWER THE QUESTIONS BELOW WITH RESPECT TO THESE INDIVIDUALS.

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Has any person or entity listed on this form or its attachments ever been arrested, charged, indicted, or convicted in a criminal or disorderly persons matter by the State of New Jersey (or political subdivision thereof), any other state or the U.S. Government? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Has any person or entity listed on this form or its attachments ever been suspended, debarred or otherwise declared ineligible by any government agency from bidding or contracting to provide services, labor, materials or supplies? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are there currently any pending criminal matters or debarment proceedings in which the firm and/or its officers and/or managers are involved? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Has any person or entity listed on this form or its attachments been denied any license, permit or similar authorization required to engage in the work applied for herein, or has any such license, permit or similar authorization been revoked by any agency of federal, state or local government? | <input type="checkbox"/> | <input type="checkbox"/> |

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

PART 2: PROVIDING ADDITIONAL INFORMATION

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

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

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

Additional Information

Person or Entity _____ Date of Inception: _____

Current Status _____

Brief Description _____

Caption of Action (if applicable) _____ Disposition of Action (if applicable) _____

Delete Entry

Bidder/Offeror Contact Name _____

Contact Phone Number _____

Add Additional Information

Officers/Directors

Name: _____

Title _____ DOB _____

Address _____

City _____ State _____ Zip Code _____

Phone _____ E-Mail _____

Delete Entry

Add An Additional Officer/Director 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: _____

Do Not Enter PIN as a Signature

Title: _____ Date: _____