

**NOTE:** To receive addenda or modification to this Request for Qualifications, please provide Kent Christner ([kchristner@bergenfield.com](mailto:kchristner@bergenfield.com)) with Respondent's name, e-mail, address, phone number, and fax number upon receipt of this document.

**REQUEST FOR QUALIFICATIONS**  
**FOR THE PROVISION OF PUBLIC DEFENDER, ALTERNATE PUBLIC DEFENDER,**  
**AND ALTERNATE PROSECUTOR**



**ISSUE DATE: Wednesday, December 23, 2020**

**DUE DATE: Tuesday, January 5, 2021 at 10:00 am**

**Issued by:**

**Borough of Bergenfield**

## **GLOSSARY**

The following definitions shall apply to and are used in this Request for Qualifications:

"Borough" - refers to the Borough of Bergenfield.

"Cost Proposal" – refers to a statement of hourly rates and costs for the services provided.

"Due Date" – refers to the date and time by which Qualification Statements must be received by the Borough in order to be considered for award of the contract or position.

"Qualification Statement" - refers to the complete responses to this RFQ submitted by the Respondents.

"Qualified Respondent" - refers to those Respondents who (in the sole judgment of the Borough) have satisfied the qualification criteria set forth in this RFQ.

"RFQ" - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

"Respondent" or "Respondents" - refers to the interested firm(s) that submit a Qualification Statement.

## SECTION 1

### INTRODUCTION AND GENERAL INFORMATION

#### 1.1. **Introduction and Purpose.**

The Borough is soliciting Qualification Statements from interested persons and/or firms for the provision of professional services and extraordinary unspecifiable services. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the Borough with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Borough will review Qualification Statements only from those firms that submit a Qualification Statement that includes all the information required to be included as described herein (in the sole judgment of the Borough). The Borough intends to qualify person(s) and/or firm(s) that (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the Borough to provide the greatest benefit to the taxpayers of the Borough. The Borough will consider Qualification Statements only from individuals, firms or organizations that have demonstrated the capability and willingness to provide high quality services as required by the Borough. All appointments shall be made in accordance with the provisions of N.J.S.A. 40A:60-5, Chapter 50 of the Code of the Borough of Bergenfield, and any other statutes or regulations that may apply.

#### 1.2. **Procurement Process and Schedule.**

The selection of Qualified Respondents is not subject to the bidding provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The selection is, however, subject to the “New Jersey Local Unit Pay-to-Play” Law, N.J.S.A. 19:44A-20.4 et seq. The Borough has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ. Qualification Statements will be evaluated in accordance with the criteria set forth in Section 5 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial criteria described in this RFQ. Under no circumstances will the RFQ for a particular position be reviewed by a person who has submitted a Qualification Statement for said position. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Borough will (in its sole judgment) determine which Respondents are qualified (from professional, administrative and financial standpoints). Each Respondent that meets the requirements of the RFQ (in the sole judgment of the Borough) will be designated as a Qualified Respondent, and will be considered for selection by the Borough, in accordance with the provisions of N.J.S.A. 40A:60-5, Chapter 50 of the Bergenfield Code, and any other applicable statute or governing regulation.

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Borough reserves the right, among other things, to amend, modify or alter the Procurement Schedule upon notice to all potential Respondents who have provided contact information to the Administrator upon receipt of this RFQ.

All communications concerning this RFQ or the RFQ process shall be directed to the Borough's designated contact person, in writing.

**Designated Contact Person:**

Mr. Corey Gallo  
Borough Administrator  
Bergenfield Municipal Building  
198 North Washington Avenue  
Bergenfield, New Jersey 07621

**Qualification Statements must be submitted to, and be received by, the Borough, via mail or hand delivery, by the Due Date. Qualification Statements will not be accepted by facsimile transmission or e-mail.**

Subsequent to issuance of this RFQ, the Borough (through the issuance of addenda to all firms that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the Borough.

## ANTICIPATED PROCUREMENT SCHEDULE

ACTIVITY	DATE
1. Issuance of Request for Qualifications.....	December 23, 2020
2. <b>Due Date</b> for Receipt of Qualification Statements.....	January 5, 2021 at 10:00 a.m.
3. Opening of Statements* .....	January 5, 2021 at 10:00 a.m.
4. Borough Attorney Review and Recommendations* .....	January 5, 2021
5. Anticipated Date for Award of Contract*.....	January 5, 2021

Dates for items marked with a “\*” are approximate and subject to change based upon the needs of the Borough.

### **Section 1.3. Conditions Applicable to RFQ.**

Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- This document is an RFQ and does not constitute an RFP.
- This RFQ does not commit the Borough to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- The Borough reserves the right (in its sole judgment) to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.
- The Borough reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ.
- The Borough reserves the right to supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ, and who have provided their contact information to the Borough.

- All Qualification Statements shall become the property of the Borough and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Borough (in the exercise of its sole discretion) in accordance with law.
- The Borough may request additional information from Respondents, including requiring Respondents to send representatives to the Borough for interviews.
- Any Qualification Statements not received by the Borough by the Due Date will be rejected.
- Neither the Borough, nor their respective staffs, consultants nor advisors shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

**Section 1.4. Rights of Borough.**

The Borough reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.
- To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ, and who have provided their contact information to the Borough.
- To waive any technical non-conformance with the terms of this RFQ.
- To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.
- To conduct investigations of any or all of the Respondents, as the Borough deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
- To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion). If terminated, the Borough may determine to commence a new procurement

process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The Borough shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

**1.5 Addenda or Amendments to RFQ.**

During the period provided for the preparation of responses to the RFQ, the Borough may issue addenda, amendments or answers to written inquiries. Those addenda will be provided by the Borough to all respondents who have provided the Borough with their contact information, and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued prior to the submission due date.

**1.6 Cost of Qualification Statement Preparation.**

Each Qualification Statement and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the Borough, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

**1.7 Qualification Statement Format.**

Responses should cover all information requested in the Questions to be answered in this RFQ. Responses which in the judgment of the Borough fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain deletions from requested information, or contain errors may be rejected.

## SECTION 2

### SCOPE OF SERVICES

The Borough seeks to award contracts of up to one-year duration for the position listed below during the calendar year 2021. The contract shall be open-ended, and may encompass additional work during the course of the year not explicitly described herein. It is the intent of the Borough to solicit Qualification Statements from Respondents that have expertise in the provision of the services required by the position or contract sought. Firms and/or persons responding to this RFQ must be able to demonstrate that they will have the continuing capabilities to perform these services.

#### **Public Defender / Alternate Public Defender**

Respondent must be an attorney licensed by the State of New Jersey to practice law and qualified pursuant to the New Jersey Court Rules and New Jersey Statutes to serve as a municipal public defender. In addition, the Borough Public Defender must have experience in all areas of Municipal Court representation, including expert and lay direct and cross-examination, handling of discovery and motions in municipal court, prosecution of both Title 39, Municipal Ordinance, and other violations commonly considered by the Municipal Court. Respondent will serve as municipal court public defendant, providing representation to indigent defendants in the Bergenfield Municipal Court, attending court hearings and trials, and preparing any documents necessary for the defense of offenses in the Bergenfield Municipal Court.

#### **Alternate Prosecutor**

Respondent must be an attorney licensed by the State of New Jersey to practice law and qualified pursuant to the New Jersey Court Rules and New Jersey Statutes to serve as a municipal prosecutor. In addition, the Borough Prosecutor must have experience in all areas of Municipal Court representation, including expert and lay direct and cross-examination, handling of discovery and motions in municipal court, prosecution of both Title 39, Municipal Ordinance, and other violations commonly considered by the Municipal Court. Respondent will serve as municipal court prosecutor in the Bergenfield Municipal Court, attending court hearings and trials, and preparing any documents necessary for the prosecution of offenses in the Bergenfield Municipal Court.



## SECTION 3

### SUBMISSION REQUIREMENTS

#### **Section 3.1 General Requirements.**

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below. **Eight (8) copies of the Qualification Statement and all attachments are to be submitted by each Respondent in response to this RFQ.**

In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Qualification Statement. This information may include documents such as a firm profile or brochure. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

#### **Section 3.2 Administrative Information Requirements.**

The Respondent shall, as part of its Qualification Statement, provide the following documentation and information:

1. An executive narrative summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement.
2. An executed Letter of Qualification (See Appendix "A" to this RFQ).
3. An executed Letter of Intent (See Appendix "B" to this RFQ).
4. Name, address and telephone number of the firm or firms submitting the Qualification Statement pursuant to this RFQ, and the name of the key contact person for this RFQ.
5. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and its organizational structure.
  - (a) Provide the names and business addresses of all principals of the firm or firms submitting the Qualification Statement. For purposes of this RFQ, the term "principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "principals" shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of 10% or more in the firm.
  - (b) If a firm is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parent's approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.

(c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (a) and (b) above for each member of the partnership, joint venture or similar organization.

6. A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities (e.g. N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 as amended) together with evidence of such compliance.

7. The number of years Respondent has been in business under the present name.
8. The number of years Respondent has been under the current management. If Respondent is a Corporation, please provide a current list of corporate officers.
9. Any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If yes, please provide a recitation of the docket numbers.
10. Whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please provide a recitation of the docket numbers.
11. Confirm appropriate federal and state licenses to perform the services required by the position or contract for which this RFQ is made.
12. A copy of Respondent's State of New Jersey Business Registration Certificate.
13. A completed Business Entity Disclosure Certification, in accordance with the State of New Jersey's Pay-to-Play laws, N.J.S.A. 19:44A-1, et seq.
14. A completed C. 271 Political Contribution Disclosure Form and Stockholder Disclosure Certification, in accordance with the State of New Jersey's Pay-to-Play laws, N.J.S.A. 19:44A-1, et seq.
15. A completed Financial Disclosure Statement, in accordance with the State of New Jersey's Local Government Ethics Law. The Financial Disclosure Statement may be completed online.
16. A completed Disclosure of Investment Activities in Iran form.
17. IMPORTANT - A listing of Respondent's hourly rates and charges for all services to be provided.

**Section 3.3 Professional Information Requirements.**

17. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:
- (a) Description and scope of work by Respondent,
  - (b) Name and contact information for any references,
  - (c) Explanation of perceived relevance of the experience to the RFQ.
18. Describe the services that Respondent would perform directly.
19. Describe those portions of the Respondent's services, if any, that are sub-contracted out. Identify all subcontractors the Respondent anticipates using in connection with the position or contract for which this RFQ is made.
20. Is any portion of Respondent's workforce unionized?
21. Professional history of all individuals whom Respondent anticipates performing the professional services or extraordinary unspecifiable services required by the position or contract for which this RFQ is made.
22. A narrative statement of Respondent's understanding of the Borough's needs and goals to be accomplished by the appointment or contract for which this RFQ is made.
23. List all immediate relatives of Principal(s) of Respondent who are Borough employees or elected officials of the Borough.

(For purposes of the above, "immediate relative" means a spouse, parent, step-parent, brother, sister, child, step-child, direct-line aunt or uncle, grandparent, grandchild, and in-laws.)

## SECTION 4

### INSTRUCTIONS TO RESPONDENTS

#### 4.1 Submission of Qualification Statements.

A Respondent must submit its Qualification Statement to the designated contact person:

Mr. Corey Gallo  
Borough Administrator  
Bergenfield Municipal Building  
198 North Washington Avenue  
Bergenfield, NJ 07621

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein:

1. Qualification Statements must be received by the Borough no later than the Due Date, and must be mailed or hand-delivered. Qualification Statements forwarded by facsimile or e-mail will not be accepted. Qualification statements received after this time will not be considered. The Borough will not bear responsibility for delays in delivery for any reason.
2. Qualification Statements and all related information must be stapled or bound, and signed by the Respondent. If Respondent is other than a natural person, the Qualification Statement must be signed by an individual with power to bind Respondent.
3. The name of the Respondent and the position or contract for which the submission is being made must be printed on the outside of the package containing Respondent's submission, together with instructions that the submission should not be opened prior to the Due Date. (Suggested format: "Qualification Statement for \_\_\_\_\_. Do not open until \_\_\_\_\_")

## **SECTION 5**

### **EVALUATION**

The Borough's objective in soliciting Qualification Statements is to enable it to select a firm, individual, or organization that will provide high quality and cost effective services to the taxpayers of Bergenfield. The Borough will consider Qualification Statements only from firms, individuals, or organizations that, in the Borough's judgment, have demonstrated the capability and willingness to provide high quality services to the taxpayers of the Borough in the manner described in this RFQ.

Qualification Statements will be evaluated by the Borough on the basis of the most advantageous submission, all relevant factors considered. The evaluation will consider the following:

1. Experience and reputation in the field;
2. Knowledge of the Borough and the subject matter addressed under the contract;
3. Availability to accommodate the required meetings of the Borough;
4. Cost to the Borough; and
5. Other factors demonstrated to be in the best interest of the Borough.

**APPENDIX A**

**LETTER OF QUALIFICATION**

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

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

Mr. Corey Gallo  
Borough Administrator  
Bergenfield Municipal Building  
198 North Washington Avenue  
Bergenfield, NJ 07621

**Re: LETTER OF QUALIFICATION**

Dear Mr. Gallo:

The undersigned has/have reviewed my/our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Borough of Bergenfield ("Borough"), dated \_\_\_\_\_, in connection with the Borough's need for professional services or extraordinary unspecifiable services.

I/We affirm that the contents of the enclosed Qualification Statement (which Qualification Statement is incorporated herein by reference) is accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon express understanding that any false statement may result in the disqualification of \_\_\_\_\_ (Respondent).\*

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

Printed: \_\_\_\_\_

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

\* If a joint venture, partnership or other formal organization other than a natural person is submitting a Qualification Statement, this Letter of Qualification must be signed by an individual with the legal authority to bind the organization.

**APPENDIX B**

**LETTER OF INTENT**

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

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

Mr. Corey Gallo  
Borough Administrator  
Bergenfield Municipal Building  
198 North Washington Avenue  
Bergenfield, NJ 07621

**Re: LETTER OF INTENT**

Dear Mr. Gallo:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the Borough of Bergenfield ("Borough"), dated \_\_\_\_\_, in connection with the Borough's need for professional services or extraordinary unspecifiable services.

\_\_\_\_\_ ("Respondent")\* HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.
2. Respondent agrees to participate in good faith in the procurement process as described in the RFQ and to adhere to the Borough's procurement schedule.
3. Respondent acknowledges that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any other documents prepared and submitted in response to the RFQ, or any negotiation which results therefrom shall be borne exclusively by the Respondent.
4. Respondent hereby declares that the only persons anticipated by respondent to perform the professional services or extraordinary unspecifiable services for which this Qualification Statement is submitted are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement or in any contract to be entered into with respect thereto. Additional persons may subsequently perform professional services or extraordinary services for which this Qualification Statement is submitted, but only if acceptable to the Borough. Respondent declares that this Qualification Statement is made without connection with any other person, firm or parties who has submitted a Qualification Statement, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.

6. Respondent acknowledges and agrees that the Borough may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Borough shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.

7. Respondent acknowledges that any contract executed with respect to the provision of professional services or extraordinary unspecifiable services must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

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

Printed: \_\_\_\_\_

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

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

\* If a joint venture, partnership or other formal organization other than a natural person is submitting a Qualification Statement, this Letter of Qualification must be signed by an individual with the legal authority to bind the organization.



**VENDOR INFORMATION**

In order to assure that all future correspondence is directed to the correct address, assure proper ordering, expedite future payments, and in accord with I.R.S. regulations, the following information must be provided with this bid.

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

Correspondence Address (including zip code):

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

Purchase Order Address (including zip code):

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

Payment Address (including zip code):

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

Telephone Number (including area code): (    )

Email Address:

Fax Number (including area code): (    )

Employer I.D. # or S.S. #:

**FAILURE TO PROVIDE ALL OF THE ABOVE INFORMATION MAY RESULT IN REJECTION OF THIS PROPOSAL.**

**ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA**

This form must be submitted whether or not addenda were issued. If no addenda were issued, check the “No Addenda were received box” and complete the signature section.

The undersigned Bidder hereby acknowledges receipt of the following Addenda:

<b>Addendum Number/Description</b>	<b>Dated</b>	<b>Acknowledge Receipt (initial)</b>

**No Addenda were Received**

Name of Bidder:	
By:	
(Signature of Authorized Representative)	
Name:	
Title:	
Date:	

## **BUSINESS REGISTRATION CERTIFICATE (BRC) COMPLIANCE**

Name of Form:	<b>BUSINESS REGISTRATION CERTIFICATE</b>
Statutory Reference:	N.J.S.A. 52:32-44 (P.L. 2004, c.57)
To Obtain Proof of Registration or to Register for a NJ BRC	<a href="http://www.nj.gov/treasury/revenue/proofreg.shtml">http://www.nj.gov/treasury/revenue/proofreg.shtml</a>
Description:	Contractor must provide State Division of Revenue issued Business Registration Certificate with the proposal submission.

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that **knowingly** provide goods or perform services for a contractor fulfilling this contract:

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

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency.

Detailed information on this requirement is available by calling (609) 292-9292 or can be found in Division of Local Government Services Finance Notices 2004-17 (8/6/04), 2004-24 (11/1/04), 2005-12 (4/27/05 and on the Division web site at [www.nj.gov/dca/lgs/lpcl](http://www.nj.gov/dca/lgs/lpcl). These resources and a Frequently Asked Questions resource should be consulted when questions arise.

**OWNERSHIP DISCLOSURE CERTIFICATION**

**This Statement Shall Be Included with Bid Submission (Use Additional Sheets as Necessary)**

**Name of Business**

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned. However if a parent entity holding 10% or more is a publicly traded entity, then the respondent in complying with N.J.S.A. 52:25-24.2 may submit the name and address of each publicly traded entity, and the name and address of each person holding 10% or more beneficial interest in the publicly traded entity as of the last the last annual filling with the Security Exchange Commission (SEC), or foreign equivalent.

**OR**

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

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

- Partnership                                       Corporation                                       Sole Proprietorship  
 Limited Partnership    Limited Liability Corporation                       Limited Liability Partnership  
 Subchapter S Corporation    Other, Please List \_\_\_\_\_

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

**Stockholders:**

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

Home Address: \_\_\_\_\_ Home Address: \_\_\_\_\_

\_\_\_\_\_

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

Home Address: \_\_\_\_\_ Home Address: \_\_\_\_\_

\_\_\_\_\_

**Publicly Traded Parent Company Disclosure:**

Submit the Website (URL) providing the last annual SEC, or foreign equivalent filing:

\_\_\_\_\_

Please list the applicable page number(s) of the SEC or foreign equivalent filing:

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

\_\_\_\_\_, 20\_\_.

(Notary Public)

My Commission expires:

\_\_\_\_\_  
(Affiant)

\_\_\_\_\_  
(Print name & title of affiant)

(Corporate Seal)

**DISCLOSURE STATEMENT**

The attention of prospective bidders is drawn to the provisions of the Local Government Ethics Law (N.J.S.A. 40A:9-22-1, et seq.) which prohibits a Borough of Bergenfield officer or employee or member of his/her immediate family from having an interest in a business organization or engaging in any business transaction, or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest.

In furtherance thereof, every bidder must disclose below, being a Borough of Bergenfield officer or employee or whether an immediate family member is a Borough of Bergenfield officer or employee. If the bidder is a business organization, then disclosure shall be made with respect to anyone having an interest in the business and their immediate family members.

Please answer the following:

Is the bidder, or a member of the bidder's immediate family, or anyone having an interest in the bidder's business organization including their immediate family members, an officer or employee of the Borough of Bergenfield?

NO \_\_\_\_\_ YES \_\_\_\_\_

S\ \_\_\_\_\_  
\* President, Vice President or Signature of  
Authorized Representative

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

\_\_\_\_\_  
Title

If yes, provide the name of the individual and identify the position held, below, and notify in writing the Borough Clerk, Borough of Bergenfield, 198 N. Washington Avenue, Bergenfield, NJ 07621. (Attach a copy of the correspondence to this form).

NOTE: All terms used herein are to be construed in accordance with their meaning under the Local Government Ethics Law, cited above.

**\* FAILURE TO SIGN THIS AFFIDAVIT BY A DULY AUTHORIZED COMPANY OFFICIAL MAY RESULT IN REJECTION OF THIS PROPOSAL.**

**C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM**

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

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

**Part I – Vendor Information**

Vendor Name:			
Address:			
City:		State:	Zip:

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

Signature	Printed Name	Title
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**Part II – Contribution Disclosure**

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

Check here if disclosure is provided in electronic form.

Contributor Name	Recipient Name	Date	Dollar Amount
			\$

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

**List of Agencies with Elected Officials Required for Political Contribution Disclosure**

**N.J.S.A. 19:44A-20.26**

**County Name: Bergen**

State: Governor, and Legislative Leadership Committees

**Legislative District: 38**

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

**County:**

Freeholders

County Clerk

Sheriff

County Executive

Surrogate

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

**Bergenfield Borough**

Arvin Amatorio

Salvador “Buddy” Deauna

Ora Kornbluth

Thomas A. Lodato

Rafael Marte

Hernando Rivera

Marc Pascual

**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 borough employment goals established in accordance with N.J.A.C. 17:27-5.2.

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

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

In conforming with the targeted employment goals, the contractor or subcontractor agrees



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

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

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

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

**BOROUGH OF BERGENFIELD**

**AFFIRMATIVE ACTION COMPLIANCE NOTICE**

**N.J.S.A. 10:5-31 and N.J.A.C. 17:27**

**GOODS AND SERVICES CONTRACTS  
(INCLUDING PROFESSIONAL SERVICES)**

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

- (a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);  
OR
- (b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;  
OR
- (c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27 and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

Company \_\_\_\_\_ Signature \_\_\_\_\_

Print Name \_\_\_\_\_ Title \_\_\_\_\_

Date \_\_\_\_\_

**New Jersey Anti-Discrimination Provisions**  
**N.J.S.A. 10:2-1 ET SEQ.**

Pursuant to N.J.S.A. 10:2-1, if awarded this contract, the contractor agrees that:

- a. In the hiring of persons for the performance of work under this contract or any subcontract hereunder, or for the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under this contract, no contractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex, discriminate against any person who is qualified and available to perform the work to which the employment relates;
- b. No contractor, subcontractor, nor any person his behalf shall, in any manner, discriminate against or intimidate any employee engaged in the performance of work under this contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under such contract, on account of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex;
- c. There may be deducted from the amount payable to the contractor by the contracting public agency, under this contract, a penalty of \$50.00 for each person for each calendar day during which such person is discriminated against or intimidated in violation of the provisions of the contract; and
- d. This contract may be canceled or terminated by the contracting public agency, and all money due or to become due hereunder may be forfeited, for any violation of this section of the contract occurring after notice to the contractor from the contracting public agency of any prior violation if this section of the contract.

No provision in this section shall be construed to prevent a board of education from designating that a contract, subcontract, or other means of procurement of goods, services, equipment or construction shall be awarded to a small business enterprise, minority business enterprise or a women's business enterprise pursuant to P.L. 1985, c.940 (C.18A:18A-51 et. seq.).

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

The contractor and the Borough of Bergenfield, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. *SI21 01* et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

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

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

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

Company \_\_\_\_\_ Signature \_\_\_\_\_

Print Name \_\_\_\_\_ Title \_\_\_\_\_

Date \_\_\_\_\_

# Borough of Bergenfield

## Disclosure of Investment Activities in IRAN

BID/RFP/Solicitation Number: \_\_\_\_\_

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

### Part 1: Certification

BIDDERS ARE TO COMPLETE PART 1 BY CHECKING **EITHER BOX**.

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 012, 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.

**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 on additional sheets provided by you.

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

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

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

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

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