

PUBLIC NOTICE

REQUEST FOR PROPOSALS

THE TOWN OF GUTTENBERG IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY is requesting proposals from providers of auto and truck towing services for the Town of Guttenberg for a period from October 1, 2013 to September 30, 2015. Copies of the documents setting forth the scope of services, contract terms and conditions, proposal requirements, criteria for evaluation of proposals, and proposal submission requirements may be obtained from the Municipal Clerk of the Town of Guttenberg by telephoning the Clerk at 201-868-2315 or by visiting his offices at 6808 Park Avenue, Guttenberg, New Jersey, Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m. Proposals will be accepted up to 2:00 p.m. (prevailing time) on September 26, 2013. All necessary documents may be downloaded from the official Guttenberg website, www.guttenbergnj.org

Michael Caliguiro
Town Administrator

REQUEST FOR PROPOSALS

THE TOWN OF GUTTENBERG is accepting Proposals from providers of auto and truck towing services for the Town of Guttenberg for a period from October 1, 2013 to September 30, 2015. Additionally, the approved vendor will be required to comply with all of the provisions of the current Town of Guttenberg Towing Ordinance. The approved vendor must provide the following services and have the following requirements:

TOWING AND STORAGE OF MOTOR VEHICLES

3-11.1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BASIC TOWING SERVICE - The removal and transportation of an automobile from a highway, street or other public or private road or a parking area to a storage facility, and other services normally incident thereto.

INSIDE BUILDING - A vehicle storage facility that is completely indoors, having one or more openings in the walls, for storage and removal of vehicles and that is secured by a locking device on each opening.

OUTSIDE SECURED - An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six feet high and is installed with a passive alarm system or a similar on-site security measure. The facility is to be lighted at night.

OUTSIDE UNSECURED - An automobile storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above

as “inside building” or “outside secured.”

STORAGE CHARGES FOR TWENTY-FOUR-HOUR PERIOD - The maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof. A new twenty-four-hour period begins at 12:01 a.m.

TOW VEHICLE- Only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by its manufacturer for the removal or transport of motor vehicles.

TOW VEHICLE’S BASE OF SERVICE - The towing operator’s principal place of business where the tow vehicle is stationed when not in use.

3-11.2 Official towers to be appointed.

- A. The Director of Public Safety shall appoint persons or companies meeting the criteria set forth in this chapter and engaged in the business or offering the services of a motor vehicle towing, wrecker or storage service, whereby damaged, impounded, disabled, abandoned, immobile or illegally parked motor vehicles are towed or otherwise removed. By use of a tow vehicle, as defined in this chapter. Such persons or companies shall be known as “official towers.”
- B. Official towers shall be identified by means of a license which shall be issued as hereinafter provided.

3-11.3 Services to be furnished.

- A. Official towers shall furnish adequate and proper wrecking, towing, storage and emergency repair services to motor vehicles damaged, impounded, disabled, abandoned, immobile or illegally parked within the limits of the town, when requested to

do so by an authorized town official.

- B. No official tower shall subcontract any work to be performed pursuant to this chapter without having first obtained prior written approved form the governing body. Any official tower to whom approval to subcontract work has been given shall be responsible for the services performed by the subcontractor and shall remain liable for any violation of this chapter by the subcontractor.

3-11.4 Application process; review; investigation.

- A. Every two years, the Town Administrator shall cause to be published, bid specifications for the appointment of Official Towers as defined in 3-11.2. Those bid submissions for all companies interested in becoming an Official Tower, shall be returned to the Town of Guttenberg within thirty days of bid publications. All companies approved by the Director of Public Safety, shall be appointed for two years.

- B. Bid submissions specifications for inclusion of the official towers' list shall be made to the Director of Public Safety upon a form provided by and submitted to the Town Administrator and shall contain all of the following information:
 - (1) The name, residence and business address and telephone number of the owner of the towing company. If the owner is a corporation, the application shall contain the name, residence and business address and telephone number of every stockholder owning more than 10% of the issued stock.

 - (2) Such information as may be required by the Director of Public Safety concerning the personnel, vehicles, equipment and storage facilities of such applicant, as hereinafter provided, showing that the applicant meets the

minimum standards of performance.

- (3) A certificate or certificates of insurance evidencing adequate insurance coverage as hereinafter provided.
- (4) A non-refundable application fee of \$100 to cover the administrative expenses incurred by the town in processing the bid submissions.
- (5) The names of addresses of two business references who have known the applicant for at least two years and who can attest to the applicant's experience and performance in the towing, wrecking and storage business.
- (6) The names and addresses of any other public agencies which the applicant has or is contracted with in the last five years.
- (7) A New Jersey Business Registration Certificate.

C. Upon receipt of the bid submissions, the Town Administrator shall forward a copy to the Commander of Patrol Operations for his review and approval. The review by the Commander of Patrol Operations shall consist of the following:

- (1) A background check to determine if either the applicant or the applicant's personnel have been convicted of a criminal offense or have had their driver's licenses suspended or revoked within the past year. Conviction of a criminal offense or suspension of a driver's license with the past year shall be a cause for disqualification from inclusion on the official towers' list.
- (2) An inspection of the personnel, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application and to determine compliance with applicable laws and regulations and the standards of performance required by this chapter.

- (3) A check with Sate Division of Consumer Fraud to determine if the applicant has had complaints filed against it and the findings of such complaints. A sufficient number of verified findings against the applicant shall be cause for disqualification.
- (4) An investigation and inquiry with any other public agencies which the applicant presently or previously has contracted for towing to determine the applicant's compliance in their rules and regulations. Failure to comply with other agencies may be cause for disqualification.

D. A bidder may be included on the official towers' list by the Director of Public Safety when, from a consideration of the application and from such other information as may otherwise be obtained, the Director finds that all of the following circumstances exist:

- (1) The bidder has not knowingly and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.
- (2) The bidder has met the standards in this chapter and has furnished the required hold harmless agreement and certificate (s) of insurance.
- (3) The bid submissions has been reviewed and approved by the Commander of Patrol Operations.
- (4) Neither the bidder nor the bidder's personnel have been convicted of a criminal offense or had their drivers' licenses suspended within the past year. In the discretion of the Director of Public Safety, an applicant may be granted a

license pending return, of a criminal record search.

- E. The Commander of Patrol Operations shall conduct his review and render a report to the Director of Public Safety, recommending either approval or denial of the application
- F. Written notice of the approval or denial of the bid shall be provided to the bidder within seven days of the decision of the Director of Public Safety.

3-11.5 Issuance of license; term; reasons for revocation; renewal.

- A. Upon approval of the bid as herein provided, the Administrator shall issue the bidder an official towers' license for each tow vehicle or flatbed vehicle to be utilized in providing services pursuant to this chapter. Said license shall be subject to a payment to the Town of \$2,000.
- B. Said licenses, which shall be in a form approved by the Director of Public Safety, shall be displayed on the tow vehicle or flatbed vehicle at all times.
- C. The licenses shall be valid for a period of two year from the date of issuance, shall be nontransferable and shall be subject to revocation by the Director of Public Safety for any of the following reasons:
 - (1) If it is subsequently determined that the applicant knowingly and with intent to deceive, made false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.
 - (2) Violation of any federal or state law or municipal ordinance or regulation relating to the operation of a motor vehicle or the provision of towing services.
 - (3) Violation of any rule or regulation promulgated by the New Jersey Department

of Insurance.

(4) Unsatisfactory service provided pursuant to this chapter.

D. Each year, there shall be a new bid process as described in 3-11.4. No current holder of a license shall be given any preference in the new bid process.

3-11.6 Minimum standards of performance.

To qualify for inclusion on the list of official towers, bidders must meet the following minimum standards:

A. Minimum vehicle requirements.

(1) Every official tower shall maintain and have available to render services required by this chapter a minimum of three regular tow vehicles, one flatbed vehicles. No vehicle can be owned by or leased from any other official tower or from any person who owns 10% or more of the ownership of any other official tower.

(2) Vehicle classes.

(a) Regular tow vehicles must be equipped with a boom or winch assembly mounted on the chassis, a dolly assembly, a tow sling or wheel lift assembly at least 100 feet of either three-eighths inch or seven-sixteenths-inch cable attached to a motor-driven winch.

(b) Flatbed vehicles must be equipped with a winch or hydraulically operated bed which slides or tilts to accommodate transporting of vehicles.

(3) Each bidder shall submit, along with its application, proof of ownership or lease

of the vehicles which will be utilized to provide services pursuant to this chapter.

B. Minimum equipment requirements.

- (1) Every tow vehicle or flatbed vehicle shall have two-way radio capability with a dispatching center on a twenty-four-hour basis.
- (2) Every tow vehicle or flatbed vehicle shall comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements and shall be subject to inspection by the Police at any time. No changes may be made in said vehicles or equipment unless prior written approval is obtained from the Director of Public Safety.
- (3) Every tow vehicle or flatbed vehicle shall display the official towers' license and shall have the name of the official tower displayed on the vehicle in such a manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.

C. Minimum personnel requirements.

- (1) Official towers shall have available, at all times, to provide the services required by this chapter.
- (2) All persons employed by official towers to provide the services required by this chapter shall meet the following requirements and be subject to the following regulations. They shall:
 - (a) Be competent mechanics able to provide minimum road services for

disabled vehicles.

- (b) Have a valid driver's license having no restrictions or conditional endorsements other than a condition requiring the wearing of eyeglasses.
- (c) Be mentally alert and present a neat appearance at all times.
- (d) Obey all traffic laws and regulations.
- (e) Be subject to inspection by the and shall be approved by the Commander of Patrol Operations prior to rendering any services pursuant to this chapter.
- (f) Not have been convicted of a crime nor have had their driving privileges suspended or revoked within the past year.
- (g) Not be employed by or provide services to any other official tower.

D. Minimum storage requirements.

- (1) Every official tower shall own or lease and maintain an inside building or outside secured storage area meeting the following requirements:
 - (a) The storage area shall be capable of storing a minimum of 50 passenger vehicles and one tractor and trailer.
 - (b) The location of the storage area shall be either within the limits of the town or at such location outside of the town as to facilitate reasonable towing distances.
 - (c) The storage area shall be fully enclosed by a sturdy fence having a

minimum height of six feet, with at least one lockable gate for ingress and egress, and shall be lighted from dusk to dawn.

- (d) The storage area shall be in an area legally zoned for such use.
 - (e) The storage facility shall be available for towing and to the public 24 hours a day, 365 days per year.
 - (f) The official tower shall have an employee on duty during all hours in which the storage facility is open.
 - (g) The official tower shall not charge a release fee or other charge for releasing vehicles to their owners after normal business hours or on weekends.
 - (h) Each Official Tower shall maintain said storage area exclusively and shall not share said storage area with any other Official Tower of the Town of Guttenberg.
 - (i) All storage areas must have a valid certificate of occupancy from the local municipality. Proof of same must be submitted with the application.
 - (j) The storage area can not be owned or leased from any other official tower or any person who owns 10% or more of the ownership of another official tower.
- (1) The storage area must have proof that it has a valid certificate of occupancy from the local Municipality.

- (2) The official tower shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this chapter. The official tower shall be liable for any damage incurred by such vehicles while in transit to or while stored in the storage areas.

3-11.7 Utilization of official towers' list.

- A. Official towers shall be placed on the list in the order in which their bid is approved.
- B. The town shall request wrecking, towing and storage services from each official tower in rotation. When called, the tower shall advise the dispatcher if a vehicle is available and the estimated time of arrival. If no tow vehicle is available or if the response time will exceed 20 minutes, the next official tower on the list shall be called, and so on. If none of the official towers are available or able to provide such services as are requested by the town, the town may request such services from any other available source.
- C. All requests for service shall be made by any member of the Police Department and must be reported immediately to the police desk. The Police Department should forward said request to the tower.
- D. The town shall request service only from official towers. All cars towed by a licensed tower under the auspices of this chapter shall tow said vehicles to storage facilities.
- E. During adverse weather conditions, heavy traffic conditions or emergency conditions, official towers shall give priority to requests from the town over any other requests which may be received by the official towers.

3-11.8 Hold harmless agreement.

Bidders shall agree in writing to assume the defense of and indemnify and hold harmless the town, its elected officials, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the town may be subjected to any kind and nature whatsoever resulting from, caused by, arising out of or as a consequence of the provision of towing, wrecking, storage and/or emergency services provided at the request of the town pursuant to this chapter. Official towers shall enter into a hold harmless agreement prior to being included on the official towers' list.

3-11.9 Insurance.

- A. No person shall be included on the official towers' list unless and until such person has provided to the town a certificate or certificates of insurance evidencing that there is in effect the following insurance coverage:
- (1) Automobile liability insurance in an amount not less than \$1,000,000 combined single limits.
 - (2) Workers' compensation as required by law.
 - (3) Garage keepers liability in an amount not less than \$60,000 per location.
 - (4) Garage liability in an amount not less than \$1,000,000 combined single limit.
 - (5) Sufficient comprehensive general public liability insurance to protect the town from any liability, loss or damages arising out of the activities to be conducted. Such insurance shall be in the minimum amount of \$1,000,000 for each person and \$3,000,000 for each accident.

- B. Policies of insurance shall contain endorsements to provide collision coverage from vehicles in tow.

- C. Policies of insurance shall be written by insurance companies authorized to do business in the State of New Jersey. Insurance companies shall be acceptable to the town and shall have at least a B+ rating by a recognized rating service.

- D. The Town of Guttenberg shall be named as an additional insured on all policies of insurance provided pursuant to this chapter. All certificates of insurance shall provide that the policies may not be canceled, terminated or coverage decreased without 30 days' written notice to the town.

- E. Policies of insurance required by the this chapter shall be maintained in full force and effect at all times. In the event that any coverage is canceled, terminated, interrupted or decreased in amount, the tower shall be removed from the official towers' list until such time as the required coverage is reinstated or replaced.

3-11.10 Towing and storage fee schedule.

1. A. The maximum allowable fees for towing and storage:

CLASS 1: AUTOMOBILES

Wheel 125.00

Lift.....

.

..... 125.00

Flatbed.....

.....

35.00/day

Storage.....

.....

CLASS 2: SUV, VANS, PICKUPS UP TO 9,000 LBS.

Wheel 150.00

Lift.....

.

..... 150.00

Flatbed.....

.....

.. 45.00/day

Storage.....

.....

CLASS 3: TRUCKS AND BUSES OVER 9,000 LBS

Underlift-Wheel Lift..... 250.00/hour (2 hr. minimum)

Lowboy..... 250.00/hour (2 hr. minimum)

Storage..... 85.00/day (per unit)

- B. Under certain circumstances official towers shall be allowed to charge for extra services that may be required above the basic towing charge (such as rolled over vehicles, vehicle off the roadway, waiting time at the scene of a motor vehicle accident, clean up and speedy dry). The charges for any of these extra charges shall be consistent with industry standards.

3-11.11 Miscellaneous provisions.

- A. Copies of this chapter and the schedule of fees that may be charged by official towers shall be made available to the public during normal business hours at the Town Hall. Copies shall also be made available to the public at each official tower's place of business.
- B. All official towers shall post, in a prominent place at each storage area clearly visible to the public, a schedule of the fees that may be charged for all services provided pursuant to this chapter. A copy of the schedule of fees must be provided to any owner of a vehicle that has been towed.
- C. The town reserves the right to make periodic unannounced inspections of the personnel vehicles, equipment and storage areas of all official towers.
- D. The relationship between an official tower and the town is one of an independent contractor. Neither party shall be construed in any manner whatsoever to be an employee of the other, nor shall any employee or agent furnished by any party be construed to be an employee or agent of the other party. Inclusion on the official towers' list shall not be construed or considered as a joint venture, partnership, association, contract or employment or profit-sharing agreement.

- E. The municipality shall not be liable or responsible for compensating the official towers for any of the services performed under this chapter unless those services are performed for town vehicles. Compensation shall be the responsibility of the owner of the towed motor vehicle, and the official tower shall proceed directly against the owner.
- F. The official tower shall, at all times, be solely responsible for the conduct of its employees.
- G. Each official tower shall keep and maintain adequate and complete records showing all vehicles towed, stored and released, all services rendered and all fees charged and collected. All records shall be available for inspection by the town at any time during normal business hours. Records shall be kept and maintained by the official tower at one central location and shall be retained for a period of seven years. Records may be written, printed or computerized as long as the requirements of this subsection are met.

3-11.12 Dispute resolution; license revocation.

- A. In the event a complaint is received by the town involving the improper or unsatisfactory performance of services by an official tower, excessive charges or damage to a motor vehicle while in the custody of the tower, written notice of the same shall be provided by the Administrator to the official tower involved. The tower shall have the opportunity to respond, in writing, in five days.
- B. Within 14 days of receipt of the tower's response, or within 21 days of receipt of the complaint, if no response is received, the matter shall be presented by the Administrator to the Director of Public Safety.

- C. If, after considering the matter, the Director of Public Safety shall determine that one of the causes for revocation of the official towers' license exists, the license shall be revoked, and the tower shall surrender the same to the Administrator within one day.
- D. Failure to surrender the license upon revocation shall constitute a violation of this chapter.
- E. Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against an official tower in a court of competent jurisdiction.

3-11.13 Violations and penalties.

- A. Any person who shall violate any of the provisions of this chapter shall be subject to a fine not to exceed \$500, and each violation of any of the provisions of this chapter and each day.

PROPOSAL SUBMISSIONS:

All persons interested in submitting a proposal for the providing auto and truck repairs shall submit a Proposal. Proposals shall be delivered to the Town Administrator at his office at the Town Hall of Guttenberg, New Jersey located at 6808 Park Avenue, Guttenberg, New Jersey on or about 2:00 p.m. (prevailing time) on September 26, 2013. All persons submitting a Proposal are encouraged to contact Michael Caliguiro, Town Administrator, in an effort to personally be advised of the necessary requirements to provide the services requested.

PROPOSAL FORMAT:

- (1) The name, residence and business address and telephone number of the owner of the towing company. If the owner is a corporation, the application shall contain the name, residence and business address and telephone number of every stockholder owning more than 10% of the issued stock.

- (2) Such information as may be required by the Director of Public Safety concerning the personnel, vehicles, equipment and storage facilities of such applicant, as hereinafter provided, showing that the applicant meets the minimum standards of performance.
- (3) A certificate or certificates of insurance evidencing adequate insurance coverage as hereinafter provided.
- (4) A non-refundable application fee of \$100 to cover the administrative expenses incurred by the town in processing the bid submissions.
- (5) The names of addresses of two business references who have known the applicant for at least two years and who can attest to the applicant's experience and performance in the towing, wrecking and storage business.
- (6) The names and addresses of any other public agencies which the applicant has or is contracted with in the last five years.
- (7) A New Jersey Business Registration Certificate.
- (8) Must include copies of relevant licenses necessary to provide said services.

SUBMISSION OF PROPOSALS:

Proposals (original + 2) shall be delivered to the Municipal Clerk at his office located at 6808 Park Avenue, Guttenberg, New Jersey no later than 2:00 p.m. (prevailing time) on September 26, 2013. Same shall be addressed as follow:

Michael Caligiuro, Town Administrator
Town of Guttenberg
6808 Park Avenue
Guttenberg, New Jersey 07093

All proposals shall be submitted in sealed envelopes with the wording:

AUTOMOBILE AND TRUCK TOWING SERVICES

JJ: 8.30.13

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

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

GOODS, PROFESSIONAL SERVICES 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 or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates or 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 non-discrimination clause.

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

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

The contractor and subcontractor, where applicable, agrees to comply with the 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 and subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals established in accordance with N.J.S.A. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.S.A. 17:27-5.2.

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

The contractor and 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.

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

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

TOWN OF GUTTENBERG

DISCLOSURE OF OWNERSHIP FORM

N.J.S.A. 52:25-24.2 reads in part that “no corporation or partnership shall be awarded any contract by the State, County, Municipality or School District, or any subsidiary or agency thereof, unless prior to the receipt of the submission of the corporation or partnership, there is provided to the public contracting unit a statement setting forth the names and addresses of all individuals who own 10% or more of the stock or interest in the corporation or partnership”.

1. If the professional service entity is a *partnership*, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
2. If the professional service entity is a *corporation*, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or mor of its stock of any class.
3. If a corporation owns all or part of the stock of the corporation or partnership providing the submission, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.
4. If the professional service entity is other than a corporation or partnership, the contractor shall indicate the form of corporate ownership as listed below.

COMPLETE ON THE FOLLOWING STATEMENTS:

1. Stockholders or Partners owning 10% or more of the company providing the submission:

Name:

Address:

SIGNATURE: _____ DATE: _____

II. No Stockholder or Partner owns 10% of more of the company providing this submission:

SIGNATURE: _____ **DATE:** _____

III. Submission is being provided by an individual who operates as a sole proprietorship:

SIGNATURE: _____ **DATE:** _____

IV. Submission is being provided by a corporation or partnership that operates as a (check one of the following):

_____ **Limited Partnership** _____ **Limited Liability Corporation**

_____ **Limited Liability Partnership** _____ **Subchapter S Corporation**

SIGNATURE: _____ **DATE:** _____

TOWN OF GUTTENBERG

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY :
: SS.
COUNTY OF HUDSON :

I, _____ of the _____
of _____, in the County of _____ and
the State of New Jersey, of full age, being duly sworn according to law on my oath depose and
say that:

I am _____

of the firm of _____
the Professional Service Entity making the submission for the above named Service, and that I
executed the said submission with full authority to do so; that the Professional Service Entity
has not, directly or indirectly, entered into any agreements, participated in any collusion, or
otherwise taken any action in restraint of fair and open competition in connection with the
above named Service; and that all statements contained in said submission and in this affidavit
are true and correct, and made with full knowledge that the Town of Guttenberg relies upon
the truth of the statements contained in said submission and in the statements contained in this
affidavit in awarding the contract for said Service.

I am further warrant that no person or selling agency has been employed or retained to solicit
or secure such contract upon an agreement or understanding for a commission, percentage,
brokerage or contingent fee.

Subscribed and sworn to before me
this _____ day of _____, 2013

Notary Public
State of _____
My Commission Expires _____

(Signature or Professional)

(Type or print name of Affiant and Title
under signature)

TOWN OF GUTTENBERG

MUNICIPAL BUILDING
6808 Park Avenue
Guttenberg, N.J. 07093

Tel. (201) 868-2315
Fax: (201) 868-9332



RESPOND TO:

OFFICIAL TOWER'S APPLICATION

Date: _____

To the
Director of Public Safety
Town of Guttenberg
6808 Park Avenue
Guttenberg, New Jersey 07093

Commissioner:

Business Name

Business Address

Hereby makes application for inclusion on the Official Towers list for the Town of Guttenberg.

The premises from which the Towing Services will respond is located at: _____

The premises are owned by: _____

Additional storage space if required is located at: _____

Attached a sketch of all property to be used for storage of vehicles. Sketch should show address and dimensions of the property.

If above premises and storage locations are not owned by applicant, the owner must give written, consent for use thereof by completing Section II of the, application, or the applicant must submit a copy of lease.

1. List the name (s), residence and business

Address and telephone number of the owner (s) of the Towing Company. If the owner is a corporation, list the name, residence, business address and telephone number of every stockbroker owning more than ten (10) percent of the issued stock.

Name:	Residence Address	Business	Phone	% Stock
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Attach additional sheets if necessary.

2. List the names and addresses of two business references who have known you for at least two (2) years.

1. _____
2. _____

3. List the names, addresses and telephone numbers of all tow truck drivers.

NAME	ADDRESS	PHONE#	DRIVER LIC.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Attach copy of appropriate driver's license each driver listed:

4. Has the applicant or any driver been convicted of a criminal offense or have had their driver's license suspended or revoked within the past year?

Yes _____

No _____

If yes, list the name below:

NAME:

ADDRESS:

1. _____

2. _____

List all tow vehicles to be used:

YEAR MAKE:

BODY TYPE:

REGISTRATION:

1. _____

2. _____

3. _____

4. _____

5. _____

Attach copies of registration for each vehicle and insurance identification cards.

Attach additional sheets if necessary.

5. Is every tow vehicle of flat bed vehicle equipped with the following?
- A. The name of the tower displayed on the vehicle as required by N.J.S.A.39:4-46?
 - B. At least one (1) amber rotating beacon or strobe light?
 - C. One (1) snatch block per winch?

D. Safety tow lights or magnetic tow lights for towed vehicles at night?

E. Extra chains and cable for pulling or securing a towed vehicle?

F. At least one (1) heavy-duty broom, a shovel, a crowbar or prybar jumper cables, flashlight, one (1) two pound or large fire extinguisher of dry chemical type, one (1) dozen flares or similar warning devices for placement at the scene of an accident or behind disabled vehicle, ten (10) pounds of dry sand or a drying compound for gasoline and oil spilled onto the roadway, and sufficient quantity and types of tools to enable the tow vehicle operator to perform proper and adequate emergency repair services for the Town?

Yes _____ No _____

G. Do all tow vehicles or flat bed vehicles comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirement?

Yes _____ No _____

6. Will you have a minimum of four (4) persons available at all times to provide the required towing services as required by Ordinance#17-13.

Yes _____ No _____

7. Will you furnish the services as required by Ordinance#17-13 (copy attached)

Yes _____ No _____

8. Will you provide the required Hold Harmless Agreement? And the required Certificates of Insurance as described in the Ordinance#17-13.

Yes _____ No _____

9. Will you abide by the Towing and Storage Fee Schedule as set forth in Ordinance#17-13.

Yes _____ No _____

10. Will you post a schedule of fees for the attached storage area clearly visible to all public?

Yes _____ No _____

11. Do the storage facilities, an inside building or outside secured storage area meet all requirements as set forth in Ordinance#17-13.

Yes _____ No _____

12. Will you maintain adequate and complete records showing all vehicles towed, stored and released, all services rendered and all fees charged and collected, and will those records be made available for inspection by the Town as set forth in Ordinance#17-13.

Yes _____ No _____

I am attaching a non-refundable certified check in the amount of \$100.00 to cover the administrative expenses incurred by the Town in processing the application to be on the Official Towers List.

I acknowledge that if approved, I will be responsible for a two year tower's license fee of \$2,000 before said license can be issued.

Very truly yours,

(Name of Business)

By:

(Authorized Agent, Printed)

(Authorized Agent, Signature)

(Title)

(Business Address)

(Telephone Number)

Approved: _____ Date: _____
 Capt. of Police

Attached is Town of Guttenberg Ordinance No. 17-13

Section II

If the applicant is not the record owner of the property from which the towing services will be conducted or the property on which the vehicles will be stored, the record owner shall complete the following:

(I) (We) as owner (s) of the property to be used to provide towing services and storage area for disable vehicles by:

(Names of Business)

Hereby consent to the use of our property for the purpose of providing towing services and/or storage as required by Ordinance No.17-13

1. _____

Signature

2. _____

Print Name

1. _____

Signature

2. _____

Print Name

1. _____

Signature

2. _____

Print Name

Address

Address

ORDINANCE # 17-13

AN ORDINANCE AMENDING ORDINANCE#43-11

**AN AMENDING CHAPTER 3-11
TOWING AND STORAGE OF MOTOR VEHICLES
OF THE REVISED GENERAL ORDINANCES
OF THE TOWN OF GUTTENBERG
COUNTY OF HUDSON STATE OF NEW JERSEY**

BE IT ORDAINED, by the Town of Guttenberg, County of Hudson, State of New Jersey, that Chapter 3-11, Towing and Storage of Motor Vehicles, be amended as follows:

3-11 TOWING AND STORAGE OF MOTOR VEHICLES

3-11.1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BASIC TOWING SERVICE - The removal and transportation of an automobile from a highway, street or other public or private road or a parking area to a storage facility, and other services normally incident thereto.

INSIDE BUILDING - A vehicle storage facility that is completely indoors, having one or more openings in the walls, for storage and removal of vehicles and that is secured by a locking device on each opening.

OUTSIDE SECURED - An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six feet high and is installed with a passive alarm system or a similar on-site security measure. The facility is to be lighted at night.

OUTSIDE UNSECURED - An automobile storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as "inside building" or "outside secured."

STORAGE CHARGES FOR TWENTY-FOUR-HOUR PERIOD - The maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof. A new twenty-four-hour period begins at 12:01 a.m.

TOW VEHICLE- Only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by its manufacturer for the removal or transport of motor vehicles.

TOW VEHICLE'S BASE OF SERVICE - The towing operator's principal place of business where the tow vehicle is stationed when not in use.

3-11.2 Official towers to be appointed.

- A. The Director of Public Safety shall appoint persons or companies meeting the criteria set forth in this chapter and engaged in the business or offering the services or a motor vehicle towing, wrecker or storage service, whereby damaged, impounded, disabled, abandoned, immobile or illegally parked motor vehicles are towed or otherwise removed. By use of a tow vehicle, as defined in this chapter. Such persons or companies shall be known as "official towers."
- B. Official towers shall be identified by means of a license which shall be issued as hereinafter provided.

3-11.3 Services to be furnished.

- A. Official towers shall furnish adequate and proper wrecking, towing, storage and emergency repair services to motor vehicles damaged, impounded, disabled, abandoned, immobile or illegally parked within the limits of the town, when requested to do so by an authorized town official.
- B. No official tower shall subcontract any work to be performed pursuant to this chapter without having first obtained prior written approved form the governing body. Any official tower to whom approval to subcontract work has been given shall be responsible for the services performed by the subcontractor and shall remain liable for any violation of this chapter by the subcontractor.

3-11.4 Application process; review; investigation.

- A. Every two years, the Town Administrator shall cause to be published, bid specifications for the appointment of Official Towers as defined in 3-11.2. Those bid submissions for all companies interested in becoming an Official Tower, shall be returned to the Town of Guttenberg within thirty days of bid publications. All companies approved by the Director of Public Safety, shall be appointed for two years.
- B. Bid submissions specifications for inclusion of the official towers' list shall be made to the Director of Public Safety upon a form provided by and submitted to the Town Administrator and shall contain all of the following information:
 - (1) The name, residence and business address and telephone number of the owner of the towing company. If the owner is a corporation, the application shall contain the name, residence and business address and telephone number of every stockholder owning more than 10% of the issued stock.
 - (2) Such information as may be required by the Director of Public Safety

concerning the personnel, vehicles, equipment and storage facilities of such applicant, as hereinafter provided, showing that the applicant meets the minimum standards of performance.

- (3) A certificate or certificates of insurance evidencing adequate insurance coverage as hereinafter provided.
- (4) A non-refundable application fee of \$100 to cover the administrative expenses incurred by the town in processing the bid submissions.
- (5) The names of addresses of two business references who have known the applicant for at least two years and who can attest to the applicant's experience and performance in the towing, wrecking and storage business.
- (6) The names and addresses of any other public agencies which the applicant has or is contracted with in the last five years.
- (7) A New Jersey Business Registration Certificate.

C. Upon receipt of the bid submissions, the Town Administrator shall forward a copy to the Commander of Patrol Operations for his review and approval. The review by the Commander of Patrol Operations shall consist of the following:

- (1) A background check to determine if either the applicant or the applicant's personnel have been convicted of a criminal offense or have had their driver's licenses suspended or revoked within the past year. Conviction of a criminal offense or suspension of a driver's license with the past year shall be a cause for disqualification from inclusion on the official towers' list.
- (2) an inspection of the personnel, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application and to determine compliance with applicable laws and regulations and the standards of performance required by this chapter.
- (3) A check with Sate Division of Consumer Fraud to determine if the applicant has had complaints filed against it and the findings of such complaints. A sufficient number of verified findings against the applicant shall be cause for disqualification.
- (4) An investigation and inquiry with any other public agencies which the applicant presently or previously has contracted for towing to determine the applicant's compliance in their rules and regulations. Failure to comply with other agencies may be cause for disqualification.

D. A bidder may be included on the official towers' list by the Director of Public Safety when, from a consideration of the application and from such other information as may otherwise be obtained, the Director finds that all of the following circumstances exist:

- (1) The bidder has not knowingly and with intent to deceive, made any false,

misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.

- (2) The bidder has met the standards in this chapter and has furnished the required hold harmless agreement and certificate (s) of insurance.
 - (3) The bid submissions has been reviewed and approved by the Commander of Patrol Operations.
 - (4) Neither the bidder nor the bidder's personnel have been convicted of a criminal offense or had their drivers' licenses suspended within the past year. In the discretion of the Director of Public Safety, an applicant may be granted a license pending return, of a criminal record search.
- E. The Commander of Patrol Operations shall conduct his review and render a report to the Director of Public Safety, recommending either approval or denial of the application
- F. Written notice of the approval or denial of the bid shall be provided to the bidder within seven days of the decision of the Director of Public Safety.

3-11.5 Issuance of license; term; reasons for revocation; renewal.

- A. Upon approval of the bid as herein provided, the Administrator shall issue the bidder an official towers' license for each tow vehicle or flatbed vehicle to be utilized in providing services pursuant to this chapter. Said license shall be subject to a payment to the Town of \$2,000.
- B. Said licenses, which shall be in a form approved by the Director of Public Safety, shall be displayed on the tow vehicle or flatbed vehicle at all times.
- C. The licenses shall be valid for a period of two year from the date of issuance, shall be nontransferable and shall be subject to revocation by the Director of Public Safety for any of the following reasons:
- (1) If it is subsequently determined that the applicant knowingly and with intent to deceive, made false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.
 - (2) Violation of any federal or state law or municipal ordinance or regulation relating to the operation of a motor vehicle or the provision of towing services.
 - (3) Violation of any rule or regulation promulgated by the New Jersey Department of Insurance.
 - (4) Unsatisfactory service provided pursuant to this chapter.
- D. Each year, there shall be a new bid process as described in 3-11.4. No current holder of a license shall be given any preference in the new bid process.

3-11.6 Minimum standards of performance.

To qualify for inclusion on the list of official towers, bidders must meet the following minimum standards:

A. Minimum vehicle requirements.

- (1) Every official tower shall maintain and have available to render services required by this chapter a minimum of three regular tow vehicles, one flatbed vehicles. No vehicle can be owned by or leased from any other official tower or from any person who owns 10% or more of the ownership of any other official tower.
- (2) Vehicle classes.
 - (a) Regular tow vehicles must be equipped with a boom or winch assembly mounted on the chassis, a dolly assembly, a tow sling or wheel lift assembly at least 100 feet of either three-eighths inch or seven-sixteenths-inch cable attached to a motor-driven winch.
 - (b) Flatbed vehicles must be equipped with a winch or hydraulically operated bed which slides or tilts to accommodate transporting of vehicles.
- (3) Each bidder shall submit, along with its application, proof of ownership or lease of the vehicles which will be utilized to provide services pursuant to this chapter.

B. Minimum equipment requirements.

- (1) Every tow vehicle or flatbed vehicle shall have two-way radio capability with a dispatching center on a twenty-four-hour basis.
- (2) Every tow vehicle or flatbed vehicle shall comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements and shall be subject to inspection by the Police at any time. No changes may be made in said vehicles or equipment unless prior written approval is obtained from the Director of Public Safety.
- (3) Every tow vehicle or flatbed vehicle shall display the official towers' license and shall have the name of the official tower displayed on the vehicle in such a manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.

C. Minimum personnel requirements.

- (1) Official towers shall have available, at all times, to provide the services required by this chapter.
- (2) All persons employed by official towers to provide the services required by

this chapter shall meet the following requirements and be subject to the following regulations. They shall:

- (a) Be competent mechanics able to provide minimum road services for disabled vehicles.
- (b) Have a valid driver's license having no restrictions or conditional endorsements other than a condition requiring the wearing of eyeglasses.
- (c) Be mentally alert and present a neat appearance at all times.
- (d) Obey all traffic laws and regulations.
- (e) Be subject to inspection by the and shall be approved by the Commander of Patrol Operations prior to rendering any services pursuant to this chapter.
- (f) Not have been convicted of a crime nor have had their driving privileges suspended or revoked within the past year.
- (g) Not be employed by or provide services to any other official tower.

D. Minimum storage requirements.

- (1) Every official tower shall own or lease and maintain an inside building or outside secured storage area meeting the following requirements:
 - (a) The storage area shall be capable of storing a minimum of 50 passenger vehicles and one tractor and trailer.
 - (b) The location of the storage area shall be either within the limits of the town or at such location outside of the town as to facilitate reasonable towing distances.
 - (c) The storage area shall be fully enclosed by a sturdy fence having a minimum height of six feet, with at least one lockable gate for ingress and egress, and shall be lighted from dusk to dawn.
 - (d) The storage area shall be in an area legally zoned for such use.
 - (e) The storage facility shall be available for towing and to the public 24 hours a day, 365 days per year.
 - (f) The official tower shall have an employee on duty during all hours in which the storage facility is open.
 - (g) The official tower shall not charge a release fee or other charge for releasing vehicles to their owners after normal business hours or on weekends.
 - (h) Each Official Tower shall maintain said storage area exclusively and

shall not share said storage area with any other Official Tower of the Town of Guttenberg.

- (i) All storage areas must have a valid certificate of occupancy from the local municipality. Proof of same must be submitted with the application.
 - (j) The storage area can not be owned or leased from any other official tower or any person who owns 10% or more of the ownership of another official tower.
- (1) The storage area must have proof that it has a valid certificate of occupancy from the local Municipality.
 - (2) The official tower shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this chapter. The official tower shall be liable for any damage incurred by such vehicles while in transit to or while stored in the storage areas.

3-11.7 Utilization of official towers' list.

- A. Official towers shall be placed on the list in the order in which their bid is approved.
- B. The town shall request wrecking, towing and storage services from each official tower in rotation. When called, the tower shall advise the dispatcher if a vehicle is available and the estimated time of arrival. If no tow vehicle is available or if the response time will exceed 20 minutes, the next official tower on the list shall be called, and so on. If none of the official towers are available or able to provide such services as are requested by the town, the town may request such services from any other available source.
- C. All requests for service shall be made by any member of the Police Department and must be reported immediately to the police desk. The Police Department should forward said request to the tower.
- D. The town shall request service only from official towers. All cars towed by a licensed tower under the auspices of this chapter shall tow said vehicles to storage facilities.
- E. During adverse weather conditions, heavy traffic conditions or emergency conditions, official towers shall give priority to requests from the town over any other requests which may be received by the official towers.

3-11.8 Hold harmless agreement.

Bidders shall agree in writing to assume the defense of and indemnify and hold harmless the town, its elected officials, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the town may be subjected to any kind and nature whatsoever resulting from, caused by, arising out of or as a consequence of the provision of towing, wrecking, storage and/or emergency services provided at the request

of the town pursuant to this chapter. Official towers shall enter into a hold harmless agreement prior to being included on the official towers' list.

3-11.9 Insurance.

- A. No person shall be included on the official towers' list unless and until such person has provided to the town a certificate or certificates of insurance evidencing that there is in effect the following insurance coverage:
 - (1) Automobile liability insurance in an amount not less than \$1,000,000 combined single limits.
 - (2) Workers' compensation as required by law.
 - (3) Garage keepers liability in an amount not less than \$60,000 per location.
 - (4) Garage liability in an amount not less than \$1,000,000 combined single limit.
 - (5) Sufficient comprehensive general public liability insurance to protect the town from any liability, loss or damages arising out of the activities to be conducted. Such insurance shall be in the minimum amount of \$1,000,000 for each person and \$3,000,000 for each accident.
- B. Policies of insurance shall contain endorsements to provide collision coverage from vehicles in tow.
- C. Policies of insurance shall be written by insurance companies authorized to do business in the State of New Jersey. Insurance companies shall be acceptable to the town and shall have at least a B+ rating by a recognized rating service.
- D. The Town of Guttenberg shall be named as an additional insured on all policies of insurance provided pursuant to this chapter. All certificates of insurance shall provide that the policies may not be canceled, terminated or coverage decreased without 30 days' written notice to the town.
- E. Policies of insurance required by the this chapter shall be maintained in full force and effect at all times. In the event that any coverage is canceled, terminated, interrupted or decreased in amount, the tower shall be removed from the official towers' list until such time as the required coverage is reinstated or replaced.

3-11.10 Towing and storage fee schedule.

1. A. The maximum allowable fees for towing and storage:

CLASS 1: AUTOMOBILES

Wheel Lift.....	125.00
Flatbed.....	125.00
Storage.....	35.00/day

CLASS 2: SUV, VANS, PICKUPS UP TO 9,000 LBS.

Wheel Lift..... 150.00
Flatbed..... 150.00
Storage.....	.. 45.00/day

CLASS 3: TRUCKS AND BUSES OVER 9,000 LBS

Underlift-Wheel Lift.....	250.00/hour (2 hr. minimum)
Lowboy.....	250.00/hour (2 hr. minimum)
..	
Storage..... 85.00/day (per unit)
...	

B. Under certain circumstances official towers shall be allowed to charge for extra services that may be required above the basic towing charge (such as rolled over vehicles, vehicle off the roadway, waiting time at the scene of a motor vehicle accident, clean up and speedy dry). The charges for any of these extra charges shall be consistent with industry standards.

3-11.11 Miscellaneous provisions.

- A. Copies of this chapter and the schedule of fees that may be charged by official towers shall be made available to the public during normal business hours at the Town Hall. Copies shall also be made available to the public at each official tower's place of business.
- B. All official towers shall post, in a prominent place at each storage area clearly visible to the public, a schedule of the fees that may be charged for all services provided pursuant to this chapter. A copy of the schedule of fees must be provided to any owner of a vehicle that has been towed.
- C. The town reserves the right to make periodic unannounced inspections of the personnel vehicles, equipment and storage areas of all official towers.
- D. The relationship between an official tower and the town is one of an independent contractor. Neither party shall be construed in any manner whatsoever to be an employee of the other, nor shall any employee or agent furnished by any party be construed to be an employee or agent of the other party. Inclusion on the official towers' list shall not be construed or considered as a joint venture, partnership, association, contract or employment or profit-sharing agreement.

- E. The municipality shall not be liable or responsible for compensating the official towers for any of the services performed under this chapter unless those services are performed for town vehicles. Compensation shall be the responsibility of the owner of the towed motor vehicle, and the official tower shall proceed directly against the owner.
- F. The official tower shall, at all times, be solely responsible for the conduct of its employees.
- G. Each official tower shall keep and maintain adequate and complete records showing all vehicles towed, stored and released, all services rendered and all fees charged and collected. All records shall be available for inspection by the town at any time during normal business hours. Records shall be kept and maintained by the official tower at one central location and shall be retained for a period of seven years. Records may be written, printed or computerized as long as the requirements of this subsection are met.

3-11.12 Dispute resolution; license revocation.

- A. In the event a complaint is received by the town involving the improper or unsatisfactory performance of services by an official tower, excessive charges or damage to a motor vehicle while in the custody of the tower, written notice of the same shall be provided by the Administrator to the official tower involved. The tower shall have the opportunity to respond, in writing, in five days.
- B. Within 14 days of receipt of the tower's response, or within 21 days of receipt of the complaint, if no response is received, the matter shall be presented by the Administrator to the Director of Public Safety.
- C. If, after considering the matter, the Director of Public Safety shall determine that one of the causes for revocation of the official towers' license exists, the license shall be revoked, and the tower shall surrender the same to the Administrator within one day.
- D. Failure to surrender the license upon revocation shall constitute a violation of this chapter.
- E. Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against an official tower in a court of competent jurisdiction.

3-11.13 Violations and penalties.

- A. Any person who shall violate any of the provisions of this chapter shall be subject to a fine not to exceed \$500, and each violation of any of the provisions of this chapter and each day.

/S/ Alberto Cabrera

Introduction: 6.24.13

Adoption: 7.22.13