

**THE TOWN OF GUTTENBERG (“TOWN”) REQUESTS PROPOSALS FROM
FIRMS/INDIVIDUALS INTERESTED IN PROVIDING
AUTO AND TRUCK TOWING AND STORAGE SERVICES
FOR THE PERIOD JANUARY 1, 2019 THROUGH DECEMBER 31, 2020**

Introduction

Pursuant to the Fair and Open Process described under N.J.S.A. 19:44A-1, et seq., the Town seeks Proposals (“RFP”) from firms/individuals that wish to provide Auto and Truck Towing and Storage Services for a TWO YEAR contract period beginning on January 1, 2019 and ending on December 31, 2020.

All necessary documents can be downloaded from the official Guttenberg website, www.guttenbergnj.org. Copies of this standardized submission requirements and selection criteria are also on file and available from the Office of the Town Clerk.

All candidates are required to comply with N.J.S.A. 10:5-31 *et seq* and N.J.A.C. 17:27 *et seq.* as amended. (Affirmative Action). Each candidate shall submit proof of business registration with the New Jersey Division of Taxation (P.L. 2004, C.57).

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 Clerk 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 Clerk 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 and 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 Clerk 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 within 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 Town Clerk 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 Guttenberg in the amount 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 Guttenberg Police

Department 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.

(ii) The storage area cannot 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 keeper's 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 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.

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.

Selection Criteria

The selection criteria used in awarding a contract or agreement for professional services as described herein shall include:

1. Qualifications of the individuals who will perform the tasks and the amounts of their respective participation;
2. Ability to perform the task in a timely fashion,; and
3. Ability to be available with the appropriate personnel at all times necessary to accomplish the service;
4. Cost competitiveness in light of all of the above factors.
5. Experience and references;
6. Other factors, if demonstrated to be in the best interest of the Town.

Submission Requirements

RFP must be delivered no later than Wednesday, November 14, 2018 at 11:00 am to:

Alberto Cabrera, Town Clerk
Office of the Town Clerk
Guttenberg Town Hall
6808 Park Avenue
Guttenberg, New Jersey 07093

Please submit one (1) original and three (3) copies of the RFP.
Use white 8 ½" x 11" paper.

APPENDIX A
LETTER OF QUALIFICATION
(To be Typed on Respondent's Letterhead. NO MODIFICATIONS MAY BE MADE TO THIS LETTER)

Alberto Cabrera, Town Clerk
Office of the Town Clerk
Guttenberg Town Hall
6808 Park Avenue
Guttenberg, New Jersey 07093

Dear Mr. Cabrera:

The undersigned have reviewed our Qualification Statement-Proposal submitted in response to the Request for Proposals (RFP) issued by the Town of Guttenberg ("Town"), dated *(Insert Date)* in connection with the Town's need for Services – Auto and Truck Towing and Storage Services.

We affirm that the contents of our Qualification Statement-Proposal (which Qualification Statement-Proposal is incorporated herein by reference) are accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement-Proposal is submitted in good faith upon express understanding that any false statement may result in the disqualification of *(Insert Name of Respondent)*

Chief Executive Officer

Chief Financial Officer

Dated: _____ Dated: _____

Respondent shall sign and complete the spaces as provided above. If a joint venture, partnership or other formal organization is submitting a Qualification Statement-Proposal, each participant must execute this Letter of Qualification

**APPENDIX B
LETTER OF INTENT**

STATE OF NEW JERSEY
TOWN OF GUTTENBERG ss:

I _____ certify that I am the _____ of the firm of _____, the Respondent submitting Qualifications in response to a Request for same from the Town in regards to Services – Auto and Truck Towing and Storage Services. I further certify that:

1. I executed said Proposal with full authority so to do;
2. All statements contained in the Submission and in this affidavit are accurate, factual and complete, and made with full knowledge that the Town of Guttenberg is relying upon the truth of the statements contained in the Submission and the statements contained in this affidavit in evaluating Respondent's Qualifications; and
- 3 Respondent has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project through participation with any other person, firm or party; and
4. Respondent agrees to participate in good faith in the procurement process as described in the RFP and to adhere to the Town's procurement schedule;
5. Respondent acknowledges that all costs incurred by it in connection with the preparation and submission of the Qualification Statement-Proposal and any proposal prepared and submitted in response to the RFP, or any negotiation which results therefrom, shall be borne exclusively by the Respondent. In no event shall the Town have any liability to Respondent for any costs incurred by the Respondent for the Qualification Statement- Proposal.
6. Respondent acknowledges and agrees that the Town may modify, amend, suspend and/or terminate the procurement process in its sole judgment.
7. Respondent is aware that any contract executed with respect to the services referred to in the RFP must comply with the applicable affirmative action and similar laws, and agrees to take such actions as may be required to comply with such applicable laws in the event that a contract is formed.

(Signature of Respondent) _____
SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY OF 20_____

NOTE: THIS FORM MUST BE COMPLETED, NOTARIZED AND RETURNED WITH THIS PROPOSAL

A. NON COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
TOWN OF GUTTENBERG ss:

I certify that I am _____ of the firm of _____ the Respondent submitting the Qualification Statement in response to the within Request for Qualifications, and that I executed said Qualification Statement with full authority so to do; that said Respondent has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competition in connection with the within Request for Qualifications; and that all statements contained in the Respondent's Qualification Statement and in this affidavit are true and correct, and made with full knowledge that the Town of Guttenberg will rely/relies upon the truth of the statements contained in said Qualification Statement and in the statements contained in this affidavit in awarding the contract(s) for the services sought in the within Request for Qualifications.

I further warrant that no person or selling agency has been employed to solicit or secure a contract for the services sought in the within Request for Qualification upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees of the Respondent or as may be permitted by law.

(Signature of respondent) SUBSCRIBED AND SWORN TO

BEFORE ME THIS DAY _____ OF 20

(TYPE OR PRINT NAME OF AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF

MY COMMISSION EXPIRES: 20

NOTE: THIS FORM MUST BE COMPLETED, NOTARIZED AND RETURNED WITH THIS PROPOSAL

B. PUBLIC DISCLOSURE INFORMATION

Chapter 33 of the Public Laws of 1977 provides that no corporation or partnership (general, limited or joint venture) shall be awarded any State, Town, Municipal or Schools District contracts for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the bid or accompanying the bid of said corporation or partnership there is submitted a public disclosure information statement. The statement shall set forth the names and addresses of all stockholders in the corporation or partnership who own ten percent (10%) or more of its stock of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein.

STOCKHOLDERS:

| Name | Address | % owned |
|----------|---------|---------|
| 1. _____ | _____ | _____ |
| 2. _____ | _____ | _____ |
| 3. _____ | _____ | _____ |
| 4. _____ | _____ | _____ |

SIGNATURE : _____
TITLE: _____

SUBSCRIBED AND SWORN TO
BEFORE ME THIS DAY _____ OF 20____
(TYPE OR PRINT NAME OF AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF
MY COMMISSION EXPIRES: 20

**NOTE: THIS FORM MUST BE COMPLETED, NOTARIZED
AND RETURNED WITH THIS PROPOSAL**

C. 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**

If your firm is awarded a contract your company/firm will be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27. The following language, subject to any amendments by law or regulation, will be incorporated into any contract issued for the services advertised:

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 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, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting 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, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

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

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance

with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

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

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

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, 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

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO 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 Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

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

The contractor and the Town of Guttenberg, (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.* 5121 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.

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

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.

**Representative's Name/Title
(Print):** _____

**Representative's
Signature:** _____

**Name of
Company:** _____

Tel. No.: _____

Date: _____.

E. 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: _____ DATE: _____

PRINT NAME: _____ TITLE: _____

F. MINORITY/WOMAN BUSINESS ENTERPRISE (MWBE)
Questionnaire for Bidders

The town of West New York, in accordance with the stated policy of non-discrimination and equal employment opportunity in the Municipal Code, recognizes a goal of awarding 20% of the dollar amount of total city procurement to minority and woman owned business enterprises. To assist us in monitoring our achievement of this goal, please indicate below whether your company is or is not a minority owned and/or woman owned business, and return this form with your bid proposal.

Business Name: _____

Address: _____

Telephone No.: _____

Contact Name: _____

Please check applicable category :

_____ Minority Owned _____ Minority & Woman Owned
_____ Woman Owned _____ Neither

Definition of Minority Business Enterprise

Minority Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by persons who are African American, Hispanic, Asian American, American Indian or Alaskan native, defined as follows:

African American: a person having origins in any of the black racial groups of Africa

Hispanic: a person of Mexican, Puerto Rican, Central or South American or other non-European Spanish culture or origin regardless of race.

Asian: a person having origins in any of the original peoples of the Far East, South East Asia, Indian subcontinent, Hawaii or the Pacific Islands.

American Indian or Alaskan Native: a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

Woman Business Enterprise: a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by a woman or women.

INSTRUCTIONS FOR COMPLETING THE EMPLOYEE INFORMATION REPORT (FORM AA302)

IMPORTANT:

READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORM. PRINT OR TYPE ALL INFORMATION. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM MAY DELAY ISSUANCE OF YOUR CERTIFICATE. IF YOU HAVE A CURRENT CERTIFICATE OF EMPLOYEE INFORMATION REPORT, DO NOT COMPLETE THIS FORM. SEND COPY OF CURRENT CERTIFICATE TO THE PUBLIC AGENCY. DO NOT COMPLETE THIS FORM FOR CONSTRUCTION CONTRACT AWARDS.

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

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

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

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

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

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

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

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

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

ITEM 10 - Enter the name of the Public Agency awarding the contract. Include City, County, State and Zip Code.

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

Racial/Ethnic Groups will be defined:

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

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

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

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

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

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

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

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

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

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

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

TYPE OR PRINT IN SHARP BALL POINT PEN

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

NJ Department of the Treasury
Division of Contract Compliance & Equal Employment Opportunity
P.O. Box 209
Trenton, New Jersey 08625-0209 Telephone No. (609) 292-5475

H. MANDATORY BUSINESS REGISTRATION LANGUAGE
Non Construction Contracts

All contractors and subcontractors must provide a Business Registration Certificate when seeking to do business with the State of New Jersey, and other public agencies in this state. Failure to submit proof of registration requires mandatory rejection of a bid as a non-waivable defect. Proof of registration must be received before the contract is issued for non-bid contracts: such as contracts exempt from public bidding that are over the bid threshold, professional services, and extraordinary unspecifiable services, and purchase orders that are under the bid threshold. For non-bid contracts only, if proof has been filed through a previous contract, the contracting agency may waive resubmission.

"New Jersey Business Registration Requirements"

N.J.S.A. 52:32-44(1)(b) No contract shall be entered into by any contracting agency unless the contractor provides a copy of its business registration in accordance with the following schedule:

- (1) In response to a request for bids or a request for proposals, at the time a bid or proposal is submitted; or
- (2) For all other transactions, before the issuance of a purchase order or other contracting document. In its sole discretion, the contracting unit may waive this requirement if a business registration has been previously provided to the contracting agency.

N.J.S.A. 52:32-44(1)(c) A subcontractor shall provide a copy of its business registration to any contractor who shall forward it to the contracting agency. No contract with a subcontractor shall be entered into by any contractor under any contract with a contracting agency unless the subcontractor first provides proof of valid business registration. The contracting agency shall file all business registrations received by the contracting agency with other procurement documents related to the contract.

For the term of the contract, the contractor and each of its affiliates and a subcontractor and each of its affiliates [N.J.S.A. 52:32-44(g)(3)] shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

N.J.S.A. 54:49-4.1 A business organization that fails to provide a copy of a business registration as required pursuant to section of P.L.2001, c. 134 (C.52:32-44 et al.) or subsection e. or f. of section 92 of P.L.1977, c.110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency."

DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

PART 1: CERTIFICATION

BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.

FAILURE TO CHECK EITHER BOX WILL RENDER THE PROPOSAL NON-RESPONSIVE.

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders **must** review this list prior to completing the below certification. **Failure to complete the certification will render a bidder's proposal non-responsive.** If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

PLEASE CHECK EITHER BOX:

I certify, pursuant to Public Law 2012, c. 25, that neither the person/entity listed above nor any of the entity'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**

OR

I am unable to certify as above because I or the bidding entity and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

Part 2

PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, USE ADDITIONAL PAGES

Name: _____

Relationship to Bidder/Vendor: _____

Description of Activities:

Duration of Engagement: _____ Anticipated Cessation Date _____

Bidder/Vendor: _____

Contact Name: _____ Contact Phone Number: _____

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 below-referenced person or entity. I acknowledge that the Town of Guttenberg 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 contracts with the Town to notify the Town 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 agreements(s) with the Town of Guttenberg and that the Town at its option may declare any contract(s) resulting from this certification void and unenforceable.

[continued on next page]

Full Name (Print): _____ Signature: _____

Title: _____ Date: _____

Bidder/Vendor: _____