

**BERKELEY HEIGHTS BOARD OF
EDUCATION**

**Request for Proposal
Architect of Record**

Mr. H. Ronald Smith
Interim School Business Administrator/Board
Secretary

**ARCHITECT OF RECORD
BERKELEY HEIGHTS SCHOOL
DISTRICT**

The Berkeley Heights School District is seeking proposals for Architectural Services from July 1, 2023 through June 30, 2024 with annual renewal appointments. The understanding of the parties with respect to the services and fee arrangements are to be set forth in a formal agreement.

A copy of the Request for Proposal may be inspected or picked up at the Board office, 345 Plainfield Ave, Berkeley Heights, NJ 07922 between the hours of 9:00 am and 4:00 pm, Monday through Friday. Further information may be obtained by calling Mr. H. Ronald Smith, Interim School Business Administrator/ Board Secretary, 908-464-1601 x1400 or email rsmith@bhpsnj.org. Proposals are due in the business office by 10:00 a.m., Tuesday, October 10, 2023.

The Board reserves the right to reject any or all proposals and waive any informality in the process.

Background

The District is a Type II school district serving approximately 2,455 students in grades Pre-K through 12 with approximately 460 employees. The district consists of 6 Schools located in one Municipality, Berkeley Heights, NJ.

Mary Kay McMillian Early Childhood Center	PreK-2
Mountain Park Elementary	3-5
Thomas P. Hughes Elementary	3-5
Woodruff Elementary	PreK-2
Columbia Middle School	6-8
Governor Livingston High School	9-12

Further information may be obtained by visiting the school district's website at <https://berkeleyheightsnj.sites.thrillshare.com/>

Proposers are advised that for any specific matter the Board may retain the services of another architect.

Scope of Service:

In accordance with NJSA 19:44A-20.4 et seq., the Berkeley Heights Board is requesting proposals from New Jersey licensed architectural firms interested in providing services as the Architect of Record for the District for the 2023-2024 school year. Proposals are being solicited through a fair and open process. Under Title 18a-18a-5 (1) professional services are not required to be bid or advertised and the board is not required to award on the basis of lowest price and will award based on criteria as outlined in this request for proposals. The requests are being made to ensure the district receives the highest quality services at a fair and competitive price.

The Board shall not be bound to use the appointed Architect of Record. Proposers are advised that for any specific project the Board may retain the services of another Architect or Engineer.

Architect's Responsibilities

- I. As Architect of Record, the architect shall provide all professional and consulting architectural services and technical direction as requested by the Board from time to time. Additionally, the Architect will be requested to perform such architectural services including, but not limited to, preparation of designs and specifications, estimation/calculation of construction costs, obtaining permits and approvals from state, county, and local agencies, submission of plans and documentation to such agencies as may be required, development of specifications, review and approval of plans, responses to bids, etc. and all services related to the pre-construction, construction and closeout phases of designated projects. The Architect may also be requested to amend the District's Long Range Facilities Plan.
- II. The Architect shall work cooperatively with the Board Attorney and Business Administrator in the bidding, award and closeout of the projects. The Architect shall assist the Board in recommending professional services, such as engineers and other experts. The Architect must provide a contract phone number for assistance in resolving problems which may arise on an emergent basis and is expected to return such emergent calls within two (2) hours.
- III. The Architect must have a minimum of ten (10) years' experience in providing architectural services for New Jersey public schools, including programming, design, cost estimating, preparation of construction documents, bid development, bid evaluation, construction administration, final inspection and project acceptance and shall preferably have experience working with FEMA.

Fee Proposal

The Board of Education requests that all respondents provide hourly billing rates for employees who may be assigned to provide services to the Board. If a position is not listed on the fee proposal, please include the position in the area provided. This provision shall not be read so as to preclude any respondent from providing an alternative fee arrangement for Architect of Record services.

In addition, the respondent is requested to provide a fee proposal for updating, submitting and amending the District's Long Range Facilities Plan. A copy of the LRFP can be obtained from the Office of the Business Administrator.

Each respondent is requested to provide a fee proposal for individual projects which may be based on either a flat fee, an hourly rate with an amount not to exceed, or a percentage for project(s) based on awarded amount by the district or any combination thereof.

In the event that the respondent determines that the services for consultants (e.g. engineers) are necessary on any particular project assigned by the Board, the amount billed by the architect to the Board for such services shall not exceed multiple of 1.10 times the amount billed to the architect for said reimbursable expense.

Fees for reimbursable expenses shall not exceed the actual cost to the architect.

Form of Agreement

In the event that the Board assigns a particular project to the architect, the form of agreement for the project will be the AIA Document B102 and B201, 2007 Edition, as modified by the Board.

References

The respondent shall provide a list of the Architect's projects, including projects completed in at least three (3) separate school districts, in which the respondent is currently the Architect of Record or which the respondent completed within the last two (2) years. Include the name of the school district, name and telephone number of contact person, architect responsible for the project, cost of the project and cost of change orders.

List the names, addresses and telephone numbers of the construction managers with whom you have worked.

List all construction companies, construction managers and professional consulting firms, which are utilized by your firm and in which any principal and/or employee of your firm has a financial interest.

List the caption(s) of any and all actions which have been filed against you, either by way of complaint, cross-claim or counterclaim, in connection with your rendering of architectural services.

Requirements Pursuant to Section 15 of the "Educational Facilities Construction and Financing Act"

The Architect shall provide all services in strict accordance with the rules promulgated by the New Jersey Department of Education, the New Jersey Department of Community Affairs, the New Jersey Department of Environmental Protection, the New Jersey Schools Development Authority (hereinafter referred to as "SDA"), the County of Bergen and the Borough of Berkeley Heights and all other governmental authorities with jurisdiction over the school facilities project. The Board may seek funding for a Project under Section 15 of the Educational Facilities Construction and Financing Act.

The Contract between the Board and the Architect, as well as any contracts between the Architect and its consultants, shall include a clause stating that the contracted party may be debarred, suspended or disqualified from contracting and/or working on the school facilities project if the contracted party commits any of the acts listed in N.J.A.C. 17:19-3.1 et seq. or any applicable regulation issued by the SDA.

All mandatory language required pursuant to the terms of the grant agreement shall be deemed incorporated herein.

Laws

The Architect shall comply with all applicable laws, statutes, regulations, and ordinances and any other rule issued by any governmental entity. This contract shall be governed by the laws of the State of New Jersey.

Interview

The Board of Education reserves the right to interview any or all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The Board reserves the right to request clarifying information subsequent to the submission of the proposal.

Submission Deadline

The deadline to submit proposals is:

**Tuesday, October 10, 2023
10:00 a.m.**

All proposals shall remain firm for a period of sixty (60) days after the date specified for receipt of proposals.

Evaluation

The School District intends to award a professional services contract for the defined scope of work under the Fair and Open Process in accordance with NJSA 19:44A-20.4 et seq.

The proposals will be evaluated by the Board of Education, Superintendent, Business Administrator and such other members of the administration as may be called upon based on their level of interaction with the District Architect based upon information supplied by each Professional in response to this RFP.

A decision on whether the contract will be awarded and to whom it will be awarded shall be made within sixty (60) days from the date the proposals are opened. The contract, if awarded, shall be awarded to the firm who submits the most advantageous proposal based on the following criteria:

- Technical Criteria and Qualifications (30%)
- Management Criteria (30%)
- Cost Criteria (40%)

The Board of Education reserves the right to reject any or all proposals in whole. The contract, if awarded, shall be awarded to the respondent who submits the most advantageous proposal based on price, the qualifications of the Architect and other factors considered. The evaluation will consider, among other factors:

I. Technical Criteria and Qualifications:

1. Does the Architect's proposal demonstrate a clear understanding of the scope of services and related objectives?
2. Is the Architect's proposal complete and responsive to the specific RFP requirements?
3. Has the Architect's past performance of the Architect's been documented and verified?
4. Does the Architect's proposal reflect that the Architect is well versed in all applicable requirements and practices?
5. Does the Architect maintain licensed and qualified professional staff in numbers sufficient to ensure timely and accurate response to the Board?
6. Does the Architect have experience in school construction, grant applications, and FEMA applications?

II. Management Criteria:

A. Management:

1. Will the Architect provide all services in a timely fashion to meet the Board's needs?
2. Will a principal of the Architect be available to attend Board meetings when requested?
3. How is work distributed among the Architect's staff, if there are principals and associates?

B. History and experience in performing the work:

1. Does the Architect document a record of reliability of timely response?
2. Does the Architect demonstrate a track record of reliable and competent service?
3. Does the Architect document industry experience?
4. Does the Architect have a record of moral integrity?

- C. Availability of personnel, facilities, equipment and other resources:
 - 1. To what extent does the Architect rely on in-house resources as opposed to contracted resources?
 - 2. Are the availability of in-house and contract resources documented?
- D. Qualification and experience of personnel:
 - 1. Documentation of experience in performing similar work by employees and when appropriate, sub-consultants.
 - 2. Documentation of oversight and mentoring of newer/inexperienced employees.

III. Cost Criteria:

- A. Cost of services to be performed:
 - 1. Relative cost: How does the fee schedule compare to other similarly scored proposals?
 - 2. Full explanation: Is the price and its component charges adequately explained or documented?
- B. Architect's financial stability and strength:
 - 1. Does the Architect have sufficient financial resources to meet its obligations?

Additional Documents to be included with submission:

- I. Ownership Disclosure Statement
- II. Non-Collusion Affidavit
- III. Contractor/Vendor Questionnaire/Certification
- IV. Certification of Non-Debarment (Prior to award of Contract)
- V. Disclosure of Investment Activities in Iran
- VI. Certification of Non-Involvement in Prohibited Activities in Russia or Belarus Pursuant to P.L.2022, c.3
- VII. Affirmative Action Questionnaire, Affidavit and Exhibit A
- VIII. Certificate of Employee Information Report
- IX. C. 271 Political Contribution Disclosure Form
- X. New Jersey Business Registration Certificate

Please provide one original and two copies of your proposal.

PROPOSAL FORM

SERVICES FOR ARCHITECT

HOURLY RATES *

Principal Hourly Fee	\$ _____
Associate Hourly Fee	\$ _____
Project Manager Hourly Fee	\$ _____
Project Architect Hourly Fee	\$ _____
Project Engineer Hourly Fee	\$ _____
Designer Hourly Fee	\$ _____
Clerical Hourly Fee	\$ _____

*Other - Attach a schedule of Project Based Flat/Percentage fees or other hourly billable positions in the firm not listed above in this Proposal Form.

Reimbursable costs and expenses: Identify in the space provided below whether clerical and other overhead costs will be billed separately or included in the hourly labor rate for the professional:

Stockholder or Partnership Disclosure Statement

STATE OF _____)

SS:

COUNTY OF _____)

In accordance with the RFP and the provisions of P.L. 2016, Chapter 43, Section 1 (N.J.S.A. 52:25-24.2), the undersigned being duly sworn according to law, deposes and says that the following is a list of the names and addresses of all stockholders in the corporation or partnership (including limited partnerships, limited liability corporations, limited liability partnerships and subchapter S corporations) who own 10% or more of its stock or of all individual partners in the partnership who own a 10% or greater interest therein.

If one or more such stockholder or partner is itself a corporation or partnership, all stockholders holding a 10% or more of the corporation's stock or all individual partners owing 10% or greater interest in that partnership is also listed.

I.

Name of Corporation/Partnership

Address

Name of Corporation/Partnership

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

II.

Name of Corporation/Partnership who holds 10% or more
interest in the bidding corporation/partnership

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

Name of Stockholder/Partner

Address

The absence of any names and addresses on the foregoing list signifies that there are no individual stockholders or partners who own 10% or more interest in the bidding corporation or partnership.

Sworn before me this _____ day of _____, 20_____

Name of Firm

Notary Public of _____

By:

My Commission expires _____ / _____ / _____

Official Title

Affidavit of Non-Collusion

STATE OF _____)

SS:

COUNTY OF _____)

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

I am _____ of the firm of _____,
the bidder making the proposal for the above-named project. I executed the bid with full
authority to do so. The bidder 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. All statements contained in bid and in this
affidavit are true and correct, and made with the full knowledge that the _____ Board of
Education will rely upon the truth of the statements contained in the Bid and in the statements
contained in this affidavit in awarding the contract for the project.

I 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.

Name of Firm

By:

Official Title

Sworn before me this _____ day of _____, 20_____

Notary Public of _____
My Commission expires _____ / _____ / _____

Vendor Questionnaire Personnel and Experience

All questions must be answered and the data given must be clear and comprehensive.

This statement must be notarized. Attach separate letters where requested.

1. Name of Bidder: _____

2. Business Address: _____

3. Phone and Fax Numbers: _____

4. When Organized or Incorporated: _____

5. State of Incorporation: _____

6. How many years have you been engaged in the contracting business under your present firm or trading name? _____

7. General character of work performed by company: _____

8. Have you ever failed to complete any work awarded to your firm? Yes No. If yes, where and for whom? _____

9. Have you ever defaulted on a Contract? Yes No. If yes, where and why? _____

10. In the past three years, have there been any outstanding debts over sixty days to subcontractors for work in place of any of your contracts other than a maximum allowance of 10% for retainage? Yes No. If yes, how much and why? _____

11. In the past three years, have there been any liens placed on any projects attributed to your contract or have there been any attempts to have any liens placed on any project attributed to your contract? Yes No. If yes, explain the circumstances. _____

12. Attach background and experience of employees and principals of the firm. **

13. List names of projects, clients and phone numbers to contact for references for projects in progress or completed in the last three years. **

***Attach separate sheets to this Statement of Bidders Personnel and Experience Sheet with Bid Proposal*

Vendor Certification

I declare and certify that no member of the Berkeley Heights School District, nor any officer or employee or person whose salary is payable in whole or in part by said Board of Education or their immediate family members are directly or indirectly interested in this bid or in the supplies, materials, equipment, work or services to which it relates, or in any portion of profits thereof. If a situation so exists where a Board member, employee, officer of the board has an interest in the bid, etc., then please attach a letter of explanation to this document, duly signed by the president of the firm or company.

I declare and certify that I fully understand N.J.A.C. 6A:23A-6.3(a1-4) concerning vendor contributions to school board members.

I certify that I am not an official or employee of the Berkeley Heights School District.

I further certify that I understand that it is a crime in the second degree in New Jersey to knowingly make a material representation that is false in connection with the negotiation, award or performance of a government contract.

Signature of:

(Bidder, if Bidder is an Individual)

(Partner, if Bidder is a Partnership)

(Officer, if Bidder is a Corporation)

Sworn before me this _____ day of _____, 20_____

Notary Public of _____

My Commission expires _____ / _____ / _____

State of New Jersey Debarred List Affidavit

STATE OF _____)

SS:

COUNTY OF _____)

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

I am _____ an officer of the firm of _____
_____, the bidder making the Proposal for the above name work, and that I executed the
same Proposal with full authority to do so; that said bidder at the time of making of this bid is not
included on the State of New Jersey, State Treasurer's or any State or Federal Government's List of
Debarred, Suspended and Disqualified Bidders; and that all statements contained in said Proposal
and in this affidavit are true and correct, and made with the full knowledge that the _____
_____, as the Owner relies upon the truth of the statements
contained in said Proposal and in the statements contained in this affidavit in awarding the
contract for said work.

The undersigned further warrants that should the name of the firm making this bid appears on
the State Treasurer's or any State or Federal Government's List of Debarred, Suspended and
Disqualified Bidders at any time prior to, and during the life of this Contract, including Guarantee
Period, that the Local Unit shall be immediately so notified by the signatory of this Eligibility
Affidavit.

The undersigned understands that the firm making the bid as Contractor is subject to debarment,
suspension and/or disqualification in contracting with the State of New Jersey, if the Contractor
commits any of the acts warranting debarment, suspension or disqualification as determined
according to applicable law and regulation.

Signature

Sworn before me this _____ day of _____, 20_____

Notary Public of _____

My Commission expires _____ / _____ / _____

Disclosure of Investment Activities in Iran

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 list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c.25 ("Chapter 25 List"). The Chapter 25 list may be found at the following address:

<http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>.

Firms **must** review this list prior to completing the below certification. **Failure to complete the certification will render the proposal non-responsive.** In the event the Board determines that the firm has submitted a false certification, it shall report same to the New Jersey Attorney General and retains the right to file an action seeking the greater of One Million Dollars (\$1,000,000) or twice the contract price.

Please check **one** of the following boxes:

- I certify, pursuant to Public Law 2012, c. 25, that neither the firm listed below nor any of the firm's parents, subsidiaries, or affiliates is listed on the New Jersey Department of Treasury's Chapter 25 List. I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the certification below.

or

- I am unable to certify as above because the firm and/or one or more of its parents, subsidiaries, or affiliates is listed on the 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. Failure to provide same will result in the Bid being deemed non-responsive and appropriate penalties or fines may be assessed.

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 Bidder, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the below.

PROVIDE INFORMATION RELATIVE TO THE ABOVE. PLEASE PROVIDE THOROUGH ANSWERS AND USE ADDITIONAL PAGES IF NECESSARY

Name: _____ Relationship to
Firm: _____

Description of Activities: _____

Duration of Engagement: _____

Anticipated Completion Date: _____

Firm 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 Board 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 Board to notify the Board 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 Board and that the Board at its option may declare contract(s) resulting from this certification void and unenforceable.

Name of Firm

By:

Official Title

Sworn before me this _____ day of _____, 20_____

Notary Public of _____

My Commission expires _____ / _____ / _____

Certification of Non-Involvement in Prohibited Activities in Russia or Belarus Pursuant to P.L.2022, c.3

Contract/Bid Solicitation Title: _____

Contract/Bid Solicitation No. _____

Check the appropriate box:

- I, the undersigned, am authorized by the person or entity seeking to enter into or renew the contract identified above, to certify that the Vendor/Bidder is not engaged in prohibited activities¹ in Russia or Belarus as such term is defined in P.L.2022, c.3, section 1.e, except as permitted by federal law.

I understand that if this statement is willfully false, I may be subject to penalty, as set forth in P.L.2022, c.3, section 1.d.

or

- I, the undersigned am unable to certify above because the person or entity seeking to enter into or renew the contract identified above, or one of its parents, subsidiaries, or affiliates may have engaged in prohibited activities in Russia or Belarus. A detailed, accurate, and precise description of the activities is provided below.

Failure to provide such description will result in the Bid/Quote being rendered as non-responsive, and the Board of Education will not be permitted to contract with such person or entity, and if a Bid/Quote is accepted or contract is entered into without delivery of the certification, appropriate penalties, fines and/or sanctions will be assessed as provided by law.

Description of Prohibited Activity: _____

¹ Engaged in prohibited activities in Russia or Belarus” means (1) companies in which the Government of Russia or Belarus has any direct equity share; (2) having any business operations commencing after the effective date of this act that involve contracts with or the provision of goods or services to the Government of Russia or Belarus; (3) being headquartered in Russia or having its principal place of business in Russia or Belarus, or (4) supporting, assisting or facilitating the Government of Russia or Belarus in their campaigns to invade the sovereign country of Ukraine, either through in-kind support or for profit.

Attach Additional Sheets If Necessary.

If you certify that the bidder is engaged in activities prohibited by P.L. 2022, c. 3, the bidder shall have 90 days to cease engaging in any prohibited activities and on or before the 90th day after this certification, shall provide an updated certification. If the bidder does not provide the updated certification or at that time cannot certify on behalf of the entity that it is not engaged in prohibited activities, the Board of Education shall not award the business entity any contracts, renew any contracts, and shall be required to terminate any contract(s) the business entity holds with the Board of Education that were issued on or after the effective date of P.L. 2022, c. 3.

Signature of Authorized Representative

Print Name and Title

Vendor Name

Sworn before me this _____ day of _____, 20_____

Notary Public of _____

My Commission expires _____ / _____ / _____

Affirmative Action Affidavit for Compliance with Affirmative Action Regulations

STATE OF _____)

SS:

COUNTY OF _____)

_____ being duly sworn, according to law, deposes and says that he is a duly authorized representative of the Bidder, _____.

I hereby certify that I am aware of the equal employment opportunity and affirmative action in public contracting requirements set forth in N.J.S.A. 10:5-31 *et seq.* and N.J.A.C. 17:27-1 *et seq.* and that the Bidder is in compliance with the requirements therein. I hereby agree that the Bidder shall make good faith efforts to provide equal employment opportunity for minorities and women. I am aware that the failure to make good faith efforts to provide equal employment opportunity for minorities and women may result in fines/penalties, suspension/debarment, a determination to lower the firm's aggregate rating or such other action as provided by law.

Signature of Authorized Representative

Print Name and Title

Vendor Name

Sworn before me this _____ day of _____, 20_____

Notary Public of _____

My Commission expires _____ / _____ / _____

Exhibit B

Mandatory Equal Employment Opportunity Language

N.J.S.A. 10:5-31 *et seq.* (P.L. 1975, c. 127)

N.J.A.C. 17:27

Construction Contracts

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

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

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

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

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

When hiring or scheduling workers in each construction trade, the contractor or subcontractor agrees to make good faith efforts to employ minority and women workers in each construction trade consistent with the targeted employment goal prescribed by N.J.A.C. 17:27-7.2; provided,

however, that the Dept. of LWD, Construction EEO Monitoring Program may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by the following provisions, A, B and C, as long as the Dept. of LWD, Construction EEO Monitoring Program is satisfied that the contractor or subcontractor is employing workers provided by a union which provides evidence, in accordance with standards prescribed by the Dept. of LWD, Construction EEO Monitoring Program, that its percentage of active “card carrying” members who are minority and women workers is equal to or greater than the targeted employment goal established in accordance with N.J.A.C. 17:27-7.2.

The contractor or subcontractor agrees that a good faith effort shall include compliance with the following procedures:

- A. If the contractor or subcontractor has a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three business days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with the rules promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et. seq., as supplemented and amended from time to time and the Americans with Disabilities Act. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five business days prior to the commencement of construction work, the contractor or subcontractor agrees to afford equal employment opportunities minority and women workers directly, consistent with this chapter. If the contractor’s or subcontractor’s prior experience with a construction trade union, regardless of whether the union has provided said assurances, indicates a significant possibility that the trade union will not refer sufficient minority and women workers consistent with affording equal employment opportunities as specified in this chapter, the contractor or subcontractor agrees to be prepared to provide such opportunities to minority and women workers directly, consistent with this chapter, by complying with the hiring or scheduling procedures prescribed under (B) below; and the contractor or subcontractor further agrees to take said action immediately if it determines that the union is not referring minority and women workers consistent with the equal employment opportunity goals set forth in this chapter.
- B. If good faith efforts to meet targeted employment goals have not or cannot be met for each construction trade by adhering to the procedures of (A) above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor agrees to take the following actions:
 1. To notify the public agency compliance officer, the Dept. of LWD, Construction EEO Monitoring Program, and minority and women referral organizations listed by the Dept. of LWD, Construction EEO Monitoring Program pursuant to N.J.A.C. 17:27-5.3, of its workforce needs, and request referral of minority and women workers;
 2. To notify any minority and women workers who have been listed with it as awaiting available vacancies;

3. Prior to commencement of work, to request that the local construction trade union refer minority and women workers to fill job openings, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade;
4. To leave standing requests for additional referral to minority and women workers with the local construction trade union, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State Training and Employment Service and other approved referral sources in the area;
5. If it is necessary to lay off some of the workers in a given trade on the construction site, layoffs shall be conducted in compliance with the equal employment opportunity and non-discrimination standards set forth in this regulation, as well as with applicable Federal and State court decisions;
6. To adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:
 - a. The contractor or subcontractor shall interview the referred minority or women worker.
 - b. If said individuals have never previously received any document or certification signifying a level of qualification lower than that required in order to perform the work of the construction trade, the contractor or subcontractor shall in good faith determine the qualifications of such individuals. The contractor or subcontractor shall hire or schedule those individuals who satisfy appropriate qualification standards in conformity with the equal employment opportunity and non-discrimination principles set forth in this chapter. However, a contractor or subcontractor shall determine that the individual at least possesses the requisite skills, and experience recognized by a union, apprentice program or a referral agency, provided the referral agency is acceptable to the Dept. of LWD, Construction EEO Monitoring Program. If necessary, the contractor or subcontractor shall hire or schedule minority and women workers who qualify as trainees pursuant to these rules. All of the requirements, however, are limited by the provisions of (C) below.
 - c. The name of any interested women or minority individual shall be maintained on a waiting list, and shall be considered for employment as described in (i) above, whenever vacancies occur. At the request of the Dept. of LWD, Construction EEO Monitoring Program, the contractor or subcontractor shall provide evidence of its good faith efforts to employ women and minorities from the list to fill vacancies.
 - d. If, for any reason, said contractor or subcontractor determines that a minority individual or a woman is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing of the reasons for the determination, maintain a copy of the determination

in its files, and send a copy to the public agency compliance officer and to the Dept. of LWD, Construction EEO Monitoring Program.

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

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

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

- D. The contractor and its subcontractors shall furnish such reports or other documents to the Dept. of LWD, Construction EEO Monitoring Program as may be requested by the Dept. of

LWD, Construction EEO Monitoring Program 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 Dept. of LWD, Construction EEO Monitoring Program for conducting a compliance investigation pursuant to **N.J.A.C. 17:27-1.1 *et seq.***

If the construction Contractor does not submit Form AA-201 as required herein, the Board of Education will declare the contractor non-responsive, rescind the award and award the contract to the next lowest responsible bidder.

Political Contribution Disclosure Affidavit

STATE OF _____)

SS:

COUNTY OF _____)

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

I am _____ of the firm of _____, the firm making the proposal for these services. I am aware that:

- A. Pursuant to N.J.A.C. 6A:23A-6.3, no business entity which has made a reportable contribution (as defined in N.J.S.A. 19:44A-1 *et seq.*) to a member of the Board during the preceding one year shall be awarded a contract in excess of \$17,500.
- B. Any business entity doing business with the District is precluded from making any reportable contributions to any member of the Board during the term of the Contract.
- C. When a business entity is a natural person, a contribution by that person's spouse or child that resides therewith shall be deemed to be a contribution by the business entity. Where a business entity is other than a natural person, a contribution by the person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.
- D. A political contribution disclosure (hereinafter referred to as "PCD") form is required to be submitted for all contracts greater than \$17,500. No contract award shall be made unless the completed PCD is submitted to the Board office prior to the award. Failure to submit the PCD shall result in the rejection of the bid. A Sample Form is included as part of the bidding documents and must be completed by the bidder.

I aver that no reportable contributions have been made by the Firm in violation of the provisions set forth in N.J.A.C. 6A:23A-6.3. The Firm shall submit a completed PCD form to the Board office ten (10) days prior to the contract award.

Name of Firm

Sworn before me this _____ day of _____, 20____

By:

Notary Public of _____

Official Title

My Commission expires _____ / _____ / _____

Certification on Behalf of a Company, Partnership or Organization and All Individuals Whose Contributions are Attributable to the Entity Pursuant to Executive Order No. 117 (2008)

I hereby certify as follows:

On or after November 15, 2008, neither the below-named entity nor any individual whose contributions are attributable to the entity pursuant to Executive Order No. 117 (2008) has solicited or made any reportable contribution of money or pledge of contribution, including in-kind contributions or company or organization contributions, to the following:

- a) **Any candidate committee and/or election fund of the Governor;**
- b) **A State political party committee;**
- c) **A legislative leadership committee;**
- d) **A county political party committee; or**
- e) **A municipal political party committee.**

I certify as an officer or authorized representative of the Company or Organization identified below that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Name of Company, Partnership or Organization: _____

Signed: _____

Title: _____

Print Name: _____ **Date:** _____

Check One of the Following Which Applies:

The Company, Partnership or Organization is the Vendor;

or

the Company, Partnership or Organization is a Principal (more than 10% ownership or control) of the vendor, a Subsidiary controlled by the vendor, or a Political Organization (e.g., PAC) controlled by the Vendor.

**Please note that if the person signing this Certification is not signing on behalf of all individuals whose contributions are attributable to the entity pursuant to Executive Order No. 117 (2008), each of those individuals will be required to submit a separate individual Certification.*

Individual Certification of Compliance with Executive Order No. 117 (2008)

I hereby certify as follows:

On or after November 15, 2008, I have not solicited or made any reportable contribution of money or pledge of contribution, including in-kind contributions or company or organization contributions, to the following:

- a) Any candidate committee and/or election fund of the Governor;**
- b) A State political party committee;**
- c) A legislative leadership committee;**
- d) A county political party committee; or**
- e) A municipal political party committee**

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

Signed: _____

Print Name: _____ Date: _____

C. 271 Political Contribution Disclosure Form Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee^{*}
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - of the public entity awarding the contract
 - of that county in which that public entity is located
 - of another public entity within that county
 - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor’s submission and is disclosable to the public under the Open Public Records Act. The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law.

¹ N.J.S.A. 19:44A-3(s): “The term “legislative leadership committee” means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures.”

C. 271 Political Contribution Disclosure Form

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

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

Part I – Vendor Information

Firm Name:			
Address:			
City:		State:	Zip:

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

Signed: _____

Title: _____

Print Name: _____ **Date:** _____

Part II – Contribution Disclosure

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

Check here if disclosure is provided in electronic form.

Contributor Name	Recipient Name	Date	Dollar Amount
			\$

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

Continuation Page

Page _____ of _____

Firm Name: _____

Contributor Name	Recipient Name	Date	Dollar Amount
			\$

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