

CITY OF CLIFTON

DEPARTMENT OF PURCHASING

BOND COUNSEL

CALENDAR YEAR 2021

NOTICE OF REQUEST FOR NON-FAIR AND OPEN PROPOSAL

Pursuant to N.J.S.A. 19:44A-20.4 et seq, the City of Clifton is soliciting a Non-Fair and Open Proposal for **Bond Counsel Services** during calendar year 2021. Proposals shall be endorsed “Bond Counsel Services” and delivered to Purchasing Agent, James J. Jorgensen, City of Clifton, 900 Clifton Avenue, Clifton, New Jersey 07013.

Due Date: Tuesday, December 10, 2020 by 10:00 a.m.

CITY OF CLIFTON
REQUEST FOR PROPOSALS
BOND COUNSEL

The City of Clifton is soliciting a Request for Proposal (“RFP”) to provide bond counsel services to the City, as directed by the Chief Financial Officer or his designee, for a contract period beginning on January 1, 2021 and ending December 31, 2021. All candidates are required to comply with N.J.S.A. 10:5-31, et seq. and N.J.A.C. 17:27 as amended (Affirmative Action).

1. GENERAL

Please note the City of Clifton is non-fair and open and contributions are limited to \$300.00 pursuant to N.J.S.A. 19:44A-20.8.

It shall be the Respondent’s responsibility to advise the Purchasing Agent (in writing) of any language or requirement that inadvertently restricts or limits the requirements stated in the RFP to a single source.

All questions relating to this RFP shall be in writing (via email) to Purchasing Agent James Jorgensen at (jjorgensen@cliftonnj.org) no later than five (5) days prior to the deadline for receipt of Proposals. Any questions, which in the opinion of the City warrant a return reply or an amendment to the RFP, will be furnished to all parties no less than three (3) days prior to receipt of Proposals.

2. SCOPE OF SERVICES

The scope of services shall include, but not be limited to the following:

1. Advise the City as to alternative methods of financing capital projects.
2. Prepare timetables for the issuance of bonds and notes.
3. Prepare the necessary ordinances, resolutions and other documents for the preparation of bonds and notes.
4. Prepare, print and distribute official statements to financial institutions, if required.
5. Represent the City during the sale of bonds and notes.
6. Represent the City in all matters requiring application to the Local Finance Board.
7. Render legal advice as necessary.

8. Can demonstrate current knowledge and experience in appropriate state and federal tax and securities laws as they relate to the City of Clifton public finance matters, including as appropriate; interaction with New Jersey Department of Community Affairs, Division of Local Government Services, Local Finance Board; Clifton cash management plan/investment strategies; inter-county coordination of debt issues as they relate to the City.
9. Can demonstrate at least ten (10) years of experience in representation of New Jersey Governmental entities in all public finance related matters, including but not limited to competitive bond and Notes sales, negotiations for noncompetitive bond and Notes sales, and performing and procuring relating financial services and activities.

3. MINIMUM QUALIFICATIONS AND EXPERIENCE

Listed below are the minimum requirements necessary to be considered for this proposal:

1. Shall be admitted to the New Jersey Bar for a minimum of ten (10) years.
2. At a minimum, the Respondent must have licensed individuals on staff to perform bond counsel services in the State of New Jersey and must have performed bond counsel services for at least five (5) New Jersey municipalities, with at least two (2) public entities of similar size to the City of Clifton.
3. Shall have an experienced law practice in the field of public finance, including but not limited to the financing of capital projects through bond ordinances and the issuance of bonds and/or bond anticipation notes in the State of New Jersey for a minimum of ten (10) years.
4. Firms, through their representatives, or individuals must be listed as Approved Bond Counsel in the Bond Buyers Municipal Marketplace Directory (the Red Book).
5. The Respondent must have a sufficient staff to perform the services set forth in Scope of Services in this RFP.
6. The Respondent must not have represented or is not currently representing a client whose interests are adverse to that of the City of Clifton, thereby creating a conflict of interest. The period of time covered by this restriction is five (5) years prior to the date of the Proposal submitted in response to this RFP.

4. PROFESSIONAL INFORMATION REQUIREMENTS

1. Shall submit a description of its overall experience in providing the type of services sought in the RFP. At a minimum, the following information on past experience should be included as appropriate to the RFP:

- i. Description and scope of work by Respondent
 - ii. Name, address and contact information of references
 - iii. Explanation of perceived relevance of the experience to the RFP
- 2. Shall provide an executed Certifications document.
- 3. Shall describe the services that Respondent would perform directly.
- 4. Shall describe those portions of the Respondent's services, if any, that are subcontracted out. Identify all subcontractors the Respondent anticipates using in connection with this project.
- 5. Shall submit Resumes of key employees.
- 6. Shall list all immediate relatives of Principal(s) of Respondent who are City employees or elected officials of the City. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.
- 7. Fees stated separately for:
 - i. All matters relating to the sale of Bonds.
 - ii. All matters relating to the sale of Bond Anticipation Notes.
 - iii. All matters relating to the sale of Tax Anticipation Notes.
 - iv. All matters relating to the authorization and execution of an Equipment Lease.
 - v. Preparation of Bond Ordinances.
 - vi. Hourly rates for services rendered beyond the scope of those described above.
- 8. All must be employees or owners of the firm.
- 9. The Respondent may submit any supplemental information it deems important to the evaluation of his Proposal and the reason why it should be considered in the overall evaluation of the Proposal.

5. CONTRACT TERMS AND CONDITIONS

- 1. The term of this agreement is to be a period of 12 months commencing on the date of the award of the Contract by the Municipal Council and ending December 31, 2021.
- 2. Respondent's Proposal shall remain valid for a period of ninety (90) days after submission and will be considered as a binding offer to perform the required services.

3. Respondents shall comply with all Local, State and Federal directives, orders and laws as applicable to this Proposal.
4. The successful Respondent shall not assign or transfer this agreement to any other person or company without prior consent and approval in writing from the City of Clifton.
5. More than one (1) Proposal from the same Firm under the same or different name shall not be considered. A Respondent submitting more than one (1) Proposal will cause the rejection of all the Proposals of said consultant. If there is a reason for believing that collusion exists amongst bidders, those Proposals shall be rejected and participants shall not be considered for any future Proposal submissions.
6. All Proposals and documents submitted to the City of Clifton in response to this RFP shall become the property of the City of Clifton and are subject to the open public records act of the State of New Jersey, after contract is awarded.
7. Be advised that the City of Clifton may secure background information based upon the references provided in this RFP.

6. MANDATORY FORMS

The following forms shall be submitted with Proposal:

1. Affirmative Action Employee Information Report or Certificate of Employee Information Report.
2. Acknowledgement of Receipt of Addenda (if applicable).
3. Non-Collusion Affidavit.
4. Investment Activities in Energy or Finance Sectors of Iran.
5. Stockholder Disclosure Certification.
6. Business Entity Disclosure Certification.
7. Proposal Form

Note: Failure to submit any one of the mandatory items shall be cause for rejection

7. ADDITIONAL FORMS

The following forms should be submitted with Proposal:

1. New Jersey Business Registration Certificate.
2. IRS W-9 Form.

8. PROPOSALS EVALUATION

1. GENERAL
 1. Responsiveness to the scope of services.
 2. Organization of Proposals
2. PERSONNEL
 1. Experience and Proposals of principal assigned to this project and of the firm's principals.
3. EXPERIENCE AND SERVICES OF FIRM
 1. History and experience with similar types of government entities.
 2. Favorable references from public sector clients for which similar services have been provided.
4. TECHNICAL EXPERTISE
 1. Knowledge and skill in all areas as described within the scope of this RFP.
5. COMMUNICATION SKILLS
 - a. Ability to work and communicate effectively with City of Clifton staff, management, and any others as may be necessary.

9. SUBMISSION DATE

Proposal shall be received by the **Purchasing Agent by 10:00 a.m. on December 10, 2020**. Respondents are to submit Two (2) copies: (1) bound copy and (1) un-bound copy.

10. AWARD OF CONTRACT

The City of Clifton reserves the right to reject any and all Proposals, to waive any irregularities or technicalities and to award a contract to the Respondent whose response is most advantageous, price and other factors considered to the City of Clifton.

**CITY OF CLIFTON
PROPOSAL FORM
BOND COUNSEL**

Name: _____

Signature: _____

Address: _____

Phone: _____ Fax: _____

Rate for providing services outlined herein..... \$ _____

Rate for all matters relating to the sale of Bonds..... \$ _____

Rate for matters relating to the sale of Bond Anticipation Notes..... \$ _____

Rate all matters relating to the sale of Tax Anticipation Notes..... \$ _____

Rate all matters relating to the authorization and execution of an
Equipment Lease..... \$ _____

Rate for preparation of Bond Ordinances..... \$ _____

Hourly rates for services rendered beyond the scope of those described
Above.....\$ _____

Rate for additional services/personnel:

Description: _____ \$ _____

_____ \$ _____

_____ \$ _____

CONTACT INFORMATION SHEET

Please fill in the following information and submit with your Bid:

FIRM NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

FAX NUMBER: _____

FEDERAL I.D. NUMBER: _____

NAME OF PERSON PREPARING RESPONSE: _____

EMAIL ADDRESS: _____

REMITTANCE ADDRESS

REMITTANCE NAME: _____

REMITTANCE ADDRESS: _____

REMITTANCE PHONE: PERSON TO CONTACT: _____

FAX NUMBER: _____

POINT OF CONTACT

COMPANY NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

CELL PHONE NUMBER: _____

PAGER NUMBER: _____

FAX NUMBER: _____

PERSON TO CONTACT: _____

EMAIL ADDRESS: _____

SECTION II – STATUTORY REQUIREMENTS

1. Mandatory Equal Employment Opportunity (See Exhibit A)

No firm may be issued a contract unless it complies with the affirmative action regulations of **N.J.S.A. 10:5-31 et. seq. and N.J.A.C. 17:27-1 et. seq.** The following information summarizes the full, required regulatory text, which is included as Exhibit A of this proposal specification.

Procurement, Professional and Service Contracts

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 documents:

- i. A photocopy of a valid letter for an approved Federal Affirmative Action Plan (good for one year from the date of the letter), or
- ii. A photocopy of an approved Certificate of Employee Information Report, issued in accordance with N.J.A.C. 17:27-4; or
- iii. If the vendor has none of the above, the public agency is required to provide the Vendor with an initial Affirmative Action Employee Information Report (AA-302).

2. Americans with Disabilities Act of 1990 (See Exhibit B)

Discrimination on the basis of disability in contracting for the purchase of goods and services is prohibited. The successful vendor is required to read Americans with Disabilities language that is part of this specification and agrees that the provisions of Title II of the Act are made a part of the contract. The successful vendor is obligated to comply with the Act and to hold the City harmless.

3. The Statement of Corporate Ownership (Stockholder Disclosure Certification) (See Exhibit C)

Chapter 33 of the Public Laws of 1977 provides that no corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any materials or supplies, unless, prior to the receipt of the proposal or accompanying the proposal of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten percent or more of its stock of any class, or of all individual partners in the partnership who own a ten percent or greater interest therein. Form of Statement shall be completed and attached to the proposal. Failure to submit this item shall be deemed a fatal defect that shall render the proposal unresponsive and that cannot be cured by the governing body (N.J.S.A. 40A:11-23.2(c)).

4. Non-Collusion Affidavit (See Exhibit D)

The Non-Collusion Affidavit, which is part of these specifications, shall be properly executed and submitted with the proposal.

5. Business Registration

Pursuant to N.J.S.A. 52:32-44, the State is prohibited from entering into a contract with an entity unless the bidder and each subcontractor named in the proposal have a valid Business Registration Certificate on file with the Division of Revenue.

Business organizations or individuals doing business in New Jersey are required to register with the Department of the Treasury, Division of Revenue. Registration is free and is a one-time action – there are no fees to register. However, you should update your contact and tax eligibility information as needed. Registration is required to conduct most business with any state, county, municipal, local board of education, charter school, county college, authority, or state college or university. The contracting agency may be required to have a copy of the “proof of registration certificate” submitted as part of a public bid or prior to issuing a purchase order.

To register: Businesses must complete **Form NJ-REG** and submit it to the Division of Revenue. The form can be filed form online or by mailing a paper form to the Division. Online filing is strongly encouraged.

- Register online at www.nj.gov/treasury/revenue/taxreg.htm. Click the “online” link and then select “Register for Tax and Employer Purposes.”
- Download the paper form and instructions at www.nj.gov/treasury/revenue/revprnt.htm.
- Call the Division at 609-292-1730 to have a form mailed to you.
- Write to the Division at: Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

Note: If you operate a corporation, limited partnership, limited liability company or limited liability partnership, before registering, you must obtain legal authority to operate in the State of New Jersey. Generally, this is accomplished by filing an original business certificate with the Division of Revenue, such as a Certificate of Incorporation or Formation. For more information on this subject, visit www.nj.gov/treasury/revenue/filecerts.htm, or call 609-292-9292.

Registering as an individual: There is a simplified registration process for individuals doing business with any New Jersey government agency. The form (NJ-REG-A) may be on the back of this form. If not, it can be downloaded from the web at www.nj.gov/treasury/revenue/pdfforms/rega.pdf. To obtain a copy by mail, call 609-292-1730, or write to the Division at the Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

Questions about the registration process? Call 609-292-1730 or submit by e-mail at www.nj.gov/treasury/revenue/revcontact.html.

How do I receive the proof of registration certificate?

- New registrants. When completing Form NJ-REG, make sure you answer “Yes” to the contractor/sub-contractor question (Online - Item 17; Paper Form - Item 18). The Division of Revenue will mail the certificate to the mailing address you supply on your registration form.
- Previously Registered Businesses. Call 609-292-1730 and select option 3. The Division of Revenue’s service agents will take your order and mail you a certificate. Please allow 7 to 10 working days to receive your certificate. Alternately, you may visit the Division’s Client Registration Bureau in person and request a certificate. The address is 847 Roebbling Avenue, Trenton, NJ 08611. Service desk hours are 8:30am to 4pm, weekdays, excluding holidays.

What information does the proof of registration contain? The certificate displays the following information: Business Name, Trade Name (If Applicable), Tax Payer ID (Usually the Employer Identification Number), Business Address, Contractor Certification Number (State Issued), Certification Issuance Date, Effective Date (Business Start Date Entered on Form NJ-REG).

6. Comprehensive Iran Sanctions, Accountability, and Investment Act (See Exhibit E)

Pursuant to Public Law 2012, c. 25, any person or entity that submits a proposal or otherwise proposes to enter into or renew a contract must complete the certification attached to attest, under penalty or perjury, that the person or entity, or one of the person or entity’s parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the Department of the Treasury as a person or entity engaging in investment activities in Iran. If the Director finds a person or entity to be in violation of the principles which are the subject of this law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposition sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the person or entity.

7. Vendor Maintenance of Documentation

Pursuant to N.J.A.C. 17:44-2.2 the vendor shall maintain all documentations related to products, transactions or services under this contract for a period of five (5) years from the date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request.

REQUIRED EVIDENCE
AFFIRMATIVE ACTION REGULATIONS

P.L. 1975, C. 127 (N.J.A.C. 17:27)

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 documents:

1. A photocopy of a valid letter from the U.S. Department of Labor that the Vendor has an existing federally-approved or sanctioned Affirmative Action Plan (good for one year from date of the letter).
OR
2. A photocopy of approved Certificate of Employee Information Report.
OR
3. An Affirmative Action Employee Information Report (Form AA302)
OR
4. All successful construction Vendors must submit within three days of the signing of the contract an Initial Project Manning Report (AA201) for any contract award that meets or exceeds the Public Agency bidding threshold (available upon request).

NO FIRM MAY BE ISSUED A CONTRACT UNLESS IT COMPLIES WITH THE AFFIRMATIVE ACTION REGULATIONS OF P.L. 1975, c. 127.

The following questions must be answered by all bidders:

1. Do you have a federally-approved or sanctioned Affirmative Action Program?
Yes _____ No _____
If yes, please submit a copy of such approval.
2. Do you have a Certificate of Employee Information Report Approval?
Yes _____ No _____
If yes, please submit a copy of such certificate.

The undersigned Vendor certifies that he is aware of the commitment to comply with the requirements of P.L. 1975, C127 and agrees to furnish the required documentation pursuant to the law.

Company _____ Signature _____

Title: _____

Note: A Vendor's bid must be rejected as non-responsive if a Vendor fails to comply with the requirements of P.L. 1975, c. 127, within the time frame.

EXHIBIT A

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27**

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

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

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

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

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

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

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

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

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

EXHIBIT A - Continued

court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

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

sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

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

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

EXHIBIT B

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

The CONTRACTOR and the OWNER do hereby agree that the provisions of Title II of the Americans With Disabilities Act of 1990 (the "ACT") (42 U.S.C. S12101 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 thereto, 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 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 proceedings its brought against the OWNER or any of its agents, servants, and employees, the OWNER shall expeditiously forward or have forwarded to the CONTRACTOR every demand, complaint, notice, summons, pleading, or other process received by the OWNER or its representatives.

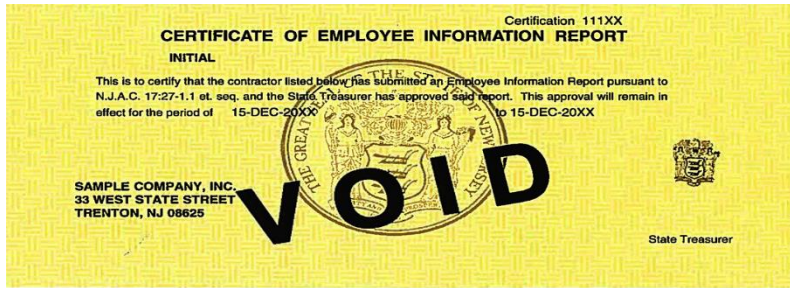
It is expressly agreed and understood that any approval by the OWNER of the services provided by the CONTRACTOR pursuant to this contract will not relieve the CONTRACTOR of the obligation to comply with the Act and to defend, indemnify, protect and save harmless the OWNER pursuant to this paragraph.

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

**REQUIRED EVIDENCE
AFFIRMATIVE ACTION REGULATIONS
P.L. 1975, C. 127 (N.J.A.C. 17:27)**

If awarded a contract, all procurement and service contractors will be required to comply with the requirements of P.L. 1975, (N.J.A.C. 17:27). Within seven (7) days after receipt of the notification of intent to award the contract or receipt of the contract, whichever is sooner, the contractor should present one of the following to the Purchasing Agent:

- 1.
 2. A photocopy of a valid letter from the U.S. Department of Labor that the contractor has an existing federally-approved or sanctioned Affirmative Action Plan (good for one year from date of the letter).
- OR
3. A photocopy of approved Certificate of Employee Information Report.



- OR
4. An Affirmative Action Employee Information Report (Form AA302)
- OR
5. All successful construction contractors must submit within three days of the signing of the contract an Initial Project Manning Report (AA201) for any contract award that meets or exceeds the Public Agency bidding threshold (available upon request).

NO FIRM MAY BE ISSUED A CONTRACT UNLESS IT COMPLIES WITH THE AFFIRMATIVE ACTION REGULATIONS OF P.L. 1975, C. 127.

The following questions must be answered by all bidders:

3. Do you have a federally-approved or sanctioned Affirmative Action Program?
Yes _____ No _____
If yes, please submit a copy of such approval.
4. Do you have a Certificate of Employee Information Report Approval?
Yes _____ No _____
If yes, please submit a copy of such certificate.

The undersigned contractor certifies that he is aware of the commitment to comply with the requirements of P.L. 1975, C127 and agrees to furnish the required documentation pursuant to the law.

Company _____ Signature _____

Title: _____

Note: A Contractor's bid must be rejected as non-responsive if a contractor fails to comply with the requirements of P.L. 1975, c. 127, within the time frame.

CITY OF CLIFTON

ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA

The undersigned Bidder hereby acknowledges receipt of the following addenda:

Addendum Number

Dated

No addenda were received:

Acknowledged for: _____

By: _____

Name: _____

Title: _____

NON-COLLUSION AFFIDAVIT

State of New Jersey
County of _____

ss:

I, _____ residing in _____
(name of affiant) (name of Municipality)

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

I am _____ of the firm of _____
(title or position) (name of firm)

_____ the bidder making this Proposal for the bid proposal

entitled _____, and that I executed the said proposal with full
(title of bid proposal)

authority to do so that said 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; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the _____ relies upon the
(name of contracting unit)

truth of the statements contained in said proposal and in the statements contained in this affidavit in awarding the contract for the said 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, except bona fide employees or bona fide established commercial or selling agencies maintained by _____

_____.

Subscribed and sworn to

before me this day

_____, 20____

(Type or print name of affiant under signature)

Notary Public of

My Commission expires _____ 20____

**STATEMENT OF OWNERSHIP
(STOCKHOLDER DISCLOSURE CERTIFICATION)**

Pursuant to N.J.S.A. 52:25-24.2 (Chapter 33, P.L. 1977), bidders must submit with their proposals a statement setting forth the names and addresses of all stockholders, partners or members in the corporation or partnership or limited liability company who own 10% or more of its stock, of any class or of all individual partners in the partnership who own a 10% or greater interest therein, as the case may be.

Name of Business: _____

Address of Business: _____

Name of person completing this form: _____

N.J.S.A. 52:25-24.2:

"No corporation, partnership, or limited liability company shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, the cost of which is to be paid with or out of any public funds, by the State, or any county, municipality or school district, or any subsidiary or agency of the State, or of any county, municipality or school district, or by any authority, board, or commission which exercises governmental functions; unless prior to the receipt of the bid or accompanying the bid, of said corporation, said partnership, or said limited liability company there is submitted a statement setting forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. If one or more such stockholder or partner or member is itself a corporation or partnership, or limited liability company, the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owing 10 percent or greater interest in that limited liability company, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every non-corporate stockholder, and individual partner, and member, exceeding the 10 percent ownership criteria established in this act, has been listed.

To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest."

STATEMENT OF OWNERSHIP

This statement is a mandatory requirement of bid submission pursuant to N.J.S.A.S2:2S 24.2.

Failure to complete and submit will result in disqualification of the bid. (**Page 1 of 2**)

Part A - Check the Yes or No boxes for questions #1 and #2 as appropriate

Name of Bidder/Proposer Organization:		Yes	No
1. Are there any individuals, corporations or partnerships, or other business entities that own a 10% or greater interest in the bidder/proposer?			
2. Is the bidder/proposer incorporated as a not-for-profit organization?			
If the answer to question #1 is NO or the answer to question #2 is YES, execute the certification in Part D. No other information is required. All others continue with Part B.			

Part B: Disclose the identifying information related to all individuals, partnerships and/or corporations owning a 10% or greater interest in the bidder/proposer. Use the reverse side if more space is needed. If the owner of 10% or more is:

- An individual, insert only the person's name under Name of Individual and their home address.
- Any other entity, insert the entity's name and business address. For any parent entity that is publicly traded, "interest" includes beneficial interest; see also Part C.

NOTE: If any 10% or more owner, including if the bidder has a direct or indirect parent entity at any level of ownership who owns more than 10%, that owner must also be listed.

Questions concerning ownership disclosure should be considered by the bidder's legal advisors and review of the statute and its related case law. Use Page 2 if additional space is needed. When complete, execute the Certification in Part D.

Name of Individual or Business Entity	Home (for individuals) or Business Address

Part C: Publicly Traded Parent Company Disclosure. Ownership disclosure (name and address) can be met by submitting the last annual filing of an SEC or similar foreign regulator document or providing the website link to such documents, and include relevant page numbers. See N.J.S.A. S2:25-24.2. Continue on Page 2 if more space is needed.

Title of Attached Document or Weblink	Page#

Part D: Certification. I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the <name of contracting unit> is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with <type of contracting unit> to notify the <type of contracting unit> in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with, and permitting the <type of contracting unit> to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:
Signature:		Date:

STATEMENT OF OWNERSHIP

Continuation from Page 1

(Page 2 of 2)

Part B Continued -If necessary, continue entering the identifying information related to the individuals, partnerships and/or any form of corporation owning a 10% or greater interest in the bidder/proposer. If the owner of 10% or more is:

- An individual, insert only the person's name under Name of Individual and their home address.
- Any other entity, insert the entity's name and business address. For any parent entity that is publicly traded, "interest" includes beneficial interested see also Part C.

If any 10% or more owner, including if the bidder has a direct or indirect parent entity at any level of ownership who owns more than 10% that owner must also be listed When done execute the Certification in Part D on Page 1

Name of Individual	Home or Business Name	Address

Part C Continued: Publicly Traded Parent Company Disclosure. If necessary, continue entering here if compliance is being met by document submission or provide the website link to the documents, and including the relevant page numbers.

When done, execute the Certification in **Part D** on Page 1

Title of Attached Document or Weblink	Page#

CITY OF CLIFTON
County of Passaic, New Jersey Division of Purchasing
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

Solicitation/Bid Number: _____ **Respondent:** _____

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 the person or entity, or one of the person or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the Department of the Treasury as a person or entity engaging in investment activities in Iran. If the Director finds a person or entity to be in violation of the principles which are the subject of this 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 person or entity.

I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to PL 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

- OR -

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

In the event that a person or entity is unable to make the above certification because it or one of its parents, subsidiaries, or affiliates has engaged in the above-referenced activities, a detailed, accurate and precise description of the activities must be provided in part 2 below to the Division of Purchase under penalty of perjury. 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, 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.

NAME: _____ Relationship to Respondent _____

Description of Activities _____

Duration of Engagement _____ Anticipated Cessation Date: _____

Respondent/Offeror 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 above-referenced person or entity. I acknowledge that the City of Clifton is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the County to notify the County in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with City of Clifton, New Jersey and that the City at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____ Signature: _____

Title _____ Date: _____

CITY OF CLIFTON
BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
 Required Pursuant to *N.J.S.A. 19:44A-20.8*

Part 1 - Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that Business Entity has not made and will not make any reportable contributions pursuant to *N.J.S.A. 19:44A-1 et seq.* that, pursuant to P. L. 2004, c. 19, would bar the award of this contract in the one-year period preceding the date hereof to any of the following named candidates, candidate committee, joint candidates committee, or political party committee representing the elected officials of the City of Clifton, as defined pursuant to *N.J.S.A. 19:44A-3 (p), (q) and (r).*

Peter C. Eagler, Councilman	Rosemary L. Pino, Councilwoman
Raymond Grabowski, Councilman	James Anzaldi, Mayor
William Gibson., Councilman	Mary Sadrakula, Councilwoman
Lauren E. Murphy, Councilwoman	Or any of their political or candidate committees

Part 2 - Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership Corporation Sole Proprietorship Subchapter S Corporation
 Limited Partnership Limited Liability Corporation Limited Liability Partnership Individual

Name of Stockholder or Shareholder	Home Address

Part 3 - Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity will be liable for any penalty permitted under law.

Name of Business Entity: _____

Signed: _____ Print Name: _____ Date: _____

Sworn and subscribed to before me this _____ day of _____, 2020

_____ Notary Public of State of _____

My Commission Expires: _____