

PASSAIC COUNTY BOARD OF SOCIAL SERVICES

80 HAMILTON STREET
PATERSON, NJ 07505

PART I

Request for Qualifications

Fair and Open Process

NAME OF PROPOSAL

CONTRACT PERIOD:

The Passaic County Board of Social Services is inviting qualified vendors to submit applications for **SPECIAL LEGAL COUNSEL AND SPECIAL LITIGATION ATTORNEY** through a Fair and Open Process in accordance with N.J.S.A. 19:44A-1; 19:44A-20.4; 19:44A-22.2; and N.J.S.A. 40A: 11-1 et. seq.

Request for Qualifications for

GENERAL AND SPECIALIZED LEGAL SERVICES

Issuance of Receipt of Submissions: **August 20, 2021**

This proposal is to be received **September 2, 2021, at 12:00 p.m.** at Passaic County Board of Social Services, located at 80 Hamilton Street, Third Floor Room 301, Paterson, New Jersey. 07505

NO BID PROPOSAL SHALL BE RECEIVED IN PERSON OR BY MAIL AFTER THE HOUR DESIGNATED.

DOCUMENT CHECKLIST

This form is provided for the proposer's use in assuring compliance with all the required documents to be submitted with this proposal. Failure to submit these documents could be cause for rejection of this proposal.

| Required By PCBSS | APPLICATION COVER | Read, Signed & Submitted by Proposer |
|------------------------------|--|---|
| <u> X </u> | Stockholder Disclosure Certification | _____ |
| <u> X </u> | Non-Collusion Affidavit | _____ |
| <u> X </u> | Addenda Notification | _____ |
| <u> X </u> | Last Page Checklist | _____ |
| <u> X </u> | Bid Proposal Forms | _____ |
| <u> X </u> | Affirmative Action Compliance Notice State | _____ |
| <u> X </u> | of NJ Business Registration Certificate | _____ |

Business Registration Certificate is required for all proposers, except for non-profit organizations and other government agencies. They must provide proof of non-profit status. Specifications and instructions may be obtained at the Passaic County Board of Social Services: 80 Hamilton Street, Paterson, NJ 07505. Respondents shall comply with the requirements of P.L. 1975 C127 (N.J.S.A. 17:27et seq.) A copy of your NJBRC shall be included with your proposal.

PASSAIC COUNTY BOARD of SOCIAL SERVICES

NOTICE TO BIDDERS
Fair and Open Process

Notice is hereby given that sealed proposals will be received **Thursday September 2, 2021, at 12:00pm by the** Passaic County Board of Social Services, 80 Hamilton Street, Paterson, New Jersey. 07505 (ROOM 301) for the following:

GENERAL AND SPECIALIZED LEGAL SERVICES

CONTRACT PERIOD: October 1, 2021 – September 30, 2022

Proposals and specifications may be obtained either by mail, or pickup at the Passaic County Board of Social Services, located at 80 Hamilton Street, Third Floor (ROOM 301), Paterson, New Jersey 07505 or by contacting the Director's Confidential Secretary at (973) 881-8546 during regular business hours (8:30 a.m. - 4:30 p.m.). Proposals must be submitted, in a sealed envelope (provided with BID Package) indicating the title of the RFQ and due date, with 5 copies.

Proposals must be received either in person at the hour designated in this advertisement, or previous thereto by Delivery, Mail, or overnight delivery service to the PASSAIC COUNTY BOARD of SOCIAL SERVICES 80 Hamilton Street, Third Floor, Paterson, New Jersey 07505. The Passaic County Board of Social Services is not responsible for any proposal that is either mailed or overnight delivered not arriving at the prevailing time.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17: 27. If awarded a contract, your company/firm shall be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.

The proposal must be accompanied by all documents required by the conditions and specifications for submitting a proposal. Bidders are required to comply with the requirements of P.L. 1975, c 1 27 (N.J.A.C.17:27-5.2) concerning affirmative action goals.

The Board of Social Services of the County of Passaic reserves the right to consider the bid proposals for sixty (60) days after the receipt thereof; and further reserves the right to reject all proposals, waive informalities, and make awards or take actions as may be in the best interest of the County.

Proposals and copies must be submitted in sealed envelopes addressed as outlined above with the name of the applicant -on the envelope (which is supplied with this proposal and the application forms.) Proposals not physically received at the Passaic County Board of Social Services by the date and time specified will not be accepted for consideration. Extensions or exceptions cannot be granted, and the Board takes no responsibility for delays in mail or delivery services. Facsimile transmissions will not be accepted.

Talisa Coleman, Director
Janet McDaniel, QPA
Passaic County Board of Social Services 80
Hamilton Street, Paterson, New Jersey 0750

Instructions to Bidders and Statutory Requirements

1. SUBMISSION OF BIDS

- A. Sealed bids for **General and Specialized Legal Services** will be received by the **Passaic County Board of Social Services**, hereinafter referred to as "owner" in accordance with public advertisement as required by law. A copy of the notice is attached and made a part of these specifications.
- B. Sealed bids will be received by Talisa A. Coleman, Director, at **10:00am** on **Thursday, September 2, 2021**, at **80 Hamilton, Street Paterson, NJ in Room 303** - Board Room, as stated in the Notice to Bidders, and at such time and place will be publicly opened and read aloud.
- C. The bid shall be submitted in a sealed envelope: (1) addressed to the owner at **80 Hamilton Street, Paterson, NJ in Room 303 -Board Room**, (2) bearing the name and address of the bidder written on the face of the envelope, and (3) clearly marked "BID" with the contract title: **- General and Specialized Legal Services**.
- D. It is the bidder's responsibility that bids are presented to the owner at the time and at the place designated. Bids may be hand delivered or mailed; however, the owner bears no responsibility for bids forwarded by regular or overnight mail. If the bid is sent by express mail service, the designation in sub-section C, above, must also appear on the outside of the express mail envelope. **Bids received after the designated time and date will not be considered for award.**
- E. Sealed bids forwarded to the owner prior to the opening of bids may be withdrawn upon written application of the bidder who shall be required to produce evidence showing that the individual is or represents the principal or principals involved in the bid. Once bids have been opened, they shall remain firm for a period of sixty (60) calendar days.
- F. All prices and amounts must be written in ink or, preferably machine printed. Bids containing any conditions, omissions, unexplained erasures or alterations, items not called for in the bid proposal form, attachment of additive information not required by the specifications, or irregularities of any kind may be rejected by the owner. Any changes, whiteouts, strikeouts, etc. must be initialed in ink by the person signing the bid.

- G. Each bid proposal form must give the full business address, business phone, fax, email if available, the contact person of the bidder, and be signed by an authorized representative as follows:
- Bids by partnerships must provide the full name of all partners and must be signed in the partnership name by one of the members of the partnership or by an authorized representative, followed by the signature and designation of the person signing.
 - Bids by corporations must be signed in the legal name of the corporation, followed by the State in which incorporated and must contain the signature and designation of the president, secretary or other person authorized to bind the corporation in the matter. Bids by sole proprietorship shall be signed by the proprietor.
 - When requested, satisfactory evidence of authority of the officer signing shall be furnished.
- H. Bidder should be aware of the following statutes that represent "Truth in Contracting" laws:
- N.J.S.A. 2C:2 1-34, et. seq. governs false claims and representations by bidders, it is a serious crime/or the bidder to knowingly submit a false claim and/or knowingly make material misrepresentations
 - N.J.S.A. 2C:27-10 provides that a person commits a crime if said person offers a benefit to a public servant for an official act performed or to be performed by a public servant which is a violation of official duty
 - N.J.S.A. 2C:27-1 1 provides that a bidder commits a crime if said person, directly or indirectly, confers or agrees to confer any benefit not allowed by law to a public servant
 - Bidder should consult the statutes or legal counsel for further information

II. INTERPRETATION AND ADDENDA

- A. The bidder understands and agrees that his/her bid is submitted based on the specifications prepared by the owner and accepts the obligation to become familiar with these specifications.
- B. Bidders are expected to examine the specifications and related bid documents with care and observe all requirements. Ambiguities, errors, omissions noted by the bidders should be promptly reported in writing to the appropriate official. Any prospective bidder who wishes to challenge a bid specification shall file such challenge in writing with the contracting agent no less than three business days prior to the opening of the bids. Challenges filed after that time shall be considered void and have no-impact on the contracting unit or the award of the contract pursuant to N.J.S.A. 40A:11-13. In the event the bidder fails to notify the owner of

such ambiguities, errors, or omissions. the bidder shall be bound by the requirements of the specifications and the bidder's submitted bid.

- C. No oral interpretation and/or clarification of the meaning of the specifications for any goods and services will be made to any bidder. Such requests shall be in writing addressed to the owner's representative stipulated in the bid specification. In order to be given consideration, a written request must be received at least seven (7) business days prior to the date fixed for the opening of the bid.

All interpretations, clarifications and any supplemental instructions will be in the form of written addenda to the specifications and will be distributed to all prospective bidders. All addenda so issued shall become part of the specifications and bid documents and shall be acknowledged by the bidder in the bid. The owner's interpretations or corrections thereof shall be final.

When issuing addenda, the owner shall provide required notice prior to the official receipt of bids to any *person* who has submitted a bid or who has received a bid package pursuant to N.J.S.A. 40A: 11-23c.1.

D. Discrepancies in Response to the Proposal

1. If the amount shown in words and its equivalent in figures do not agree, the written words shall be binding.
2. Ditto marks are not considered writing or printing and shall not be used.

III. INSURANCE AND INDEMNIFICATION

A. INSURANCE REQUIREMENTS

1. Worker's Compensation Insurance

Workers Compensation Insurance shall be maintained in full force during the life of the contract, covering all employees/consultants/individuals engaged in performance of the contract pursuant to N.J.S.A 34:15-12(a) and N.J.A.C. 235-1.6.

2. Professional Liability

All bidders must show proof of Professional Liability coverage in an amount of no less than \$1,000,000.00 with a carrier that has a AAA rating by an insurance rating agency such as AM, Best, Fitch, Moody's Investors Service or Standard & Poor's.

3. Indemnification

Bidder shall indemnify and hold harmless the owner from all claims, suits or actions, and damages or costs of every name and description to which the owner may be subjected or put by reason of injury to the person or property of another, or the property of the owner, resulting from negligence acts or omissions on the part of the contractor, the contractor's agents, servants, or subcontractors in the delivery of goods and services, or in the performance of the work under the contract.

IV. STATUTORY AND OTHER REQUIREMENTS

A. MANDATORY AFFIRMATIVE ACTION CERTIFICATION

No firm may be issued a contract unless it complies with the affirmative action provisions 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 bid specification.

1. Goods and Services (including professional services) Contracts

Each contractor shall submit to the public agency, after notification of award but prior to execution of the contract, one of the following three documents:

- I. A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter); or
- II. A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4 or
- III. A photocopy of an Employee Information Report (Form AA 302) provided by the Division and distributed to the public agency by the contractor in accordance with N.J.A.C. 17:24-4.

2. Maintenance Construction and Contracts (not relevant for this specification)

B. AMERICANS WITH DISABILITIES ACT OF 1990

Discrimination on the basis of disability in contracting for the purchase of goods and services is prohibited. Bidders are required to read Americans with disabilities language that is included as Appendix A of this specification and agree that the provisions of Title II of the Act are made a part of the contract. The contractor is obligated to comply with the Act and to hold the owner harmless.

C. STOCKHOLDER. DISCLOSURE

N.J.S.A. 52:25-24.2 provides that no corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any goods and services, unless, prior to the receipt of the bid or accompanying the bid of said corporation or partnership. Bidders shall submit 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. The included Statement of Ownership shall be completed and attached to the bid proposal. This requirement applies to all forms of corporations and partnerships, including, but not limited to, limited partnerships, limited liability corporations, limited liability partnerships and Subchapter S corporations. Failure to submit a stockholder disclosure document shall result in rejection of the bid.

D. PROOF OF BUSINESS REGISTRATION

N.J.S.A. 52:32-44 requires that each bidder (contractor) submit proof of business registration with the bid proposal. Proof of registration shall be a copy of the bidder's Business Registration Certificate (BRC). A BRC is obtained from the New Jersey Division of Revenue. Information on obtaining a BRC is available on the internet at www.nj.gov/njbgs or by phone at (609) 292-1730. N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that knowingly provide goods or perform services for a contractor fulfilling this contract:

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

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements is available by calling (609) 292-1730.

E. NON-COLLUSION AFFIDAVIT

The Affidavit shall be properly executed and submitted with the bid proposal.

F. PAY TO PLAY

Starting in January, 2007, business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A.19:44A-20.27 if they receive contracts in excess of \$50,000 from public entities in a calendar year.

Business entities are responsible for determining if tiling is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us

V. METHOD OF CONTRACT AWARD

A. The length of the contract shall be one year beginning **October 1, 2021, to September 30, 2022**. The contract will be awarded at the regular meeting of the Board of Commissioners meeting in September 2021. The anticipated date of that meeting will be Thursday September 30, 2021, at 8:30 a.m. held via zoom conference call. Call in- number 1800-309-2350, with a conference ID of: 973-881-0000. Pursuant to requirements of N.J.A.C. 5:30-5.1 et seq., any contract resulting from this bid shall be subject to the availability and appropriation of sufficient funds annually. Please see Section VII, Termination of Contract, Sub-section E, for additional information. •

C. If the award is to be made on the basis of a combination of a base bid with selected options, it shall be made to that responsible bidder submitting the lowest net bid.

D. The owner may also elect to award the contract on the basis of unit prices.

E. The form of contract shall be submitted by the owner to the successful bidder-. Terms of the specifications/bid package prevail. Bidder exceptions must be formally accepted by the owner.

VI. CAUSES FOR REJECTING BIDS

Bids may be rejected for any of the following reasons:

A. All bids pursuant to N.J.S.A. 40A:11-13.2

B. If more than one bid is received from an individual, firm, or partnership, corporation *or* association under the same name.

C. Multiple bids from an agent representing competing bidders;

D. The bid is inappropriately unbalanced.

- E. The bidder is determined to possess, pursuant to N.J.S.A. 40A: 1 1-4b, Prior Negative Experience; or,
- F. If the successful bidder fails to enter into a contract within 21 days, Sundays and holidays excepted, or as otherwise agreed upon by the parties to the contract. In this case at its option, the owner may accept the bid of the next lowest responsible bidder. (N.J.S.A. 40A: 11-24b)

VII. TERMINATION OF CONTRACT

- A. If, through any cause, the contractor shall fail to fulfill in a timely and proper manner obligations under the contract or if the contractor shall violate any of the requirements of the contract, the owner shall there upon have the right to terminate the contract by giving written notice to the contractor of such termination and specifying the effective date of termination. Such termination shall relieve the owner of any obligation for balances to the contractor of any sum or sums set forth in the contract. Owner will pay only for goods and services accepted prior to termination.
- B. Notwithstanding the above, the contractor shall not be relieved of liability to the owner for damages sustained by the owner by virtue of any breach of the contract by the contractor and the owner may withhold any payments to the contractor for the purpose of compensation until such time as the exact amount of the damage due the owner from the contractor is determined.
- C. The contractor agrees to indemnify and hold the owner harmless from any liability to subcontractors/suppliers concerning payment for work performed or goods supplied arising out of the lawful termination of the contract by the owner under this provision.
- D. In case of default by the contractor, the owner may procure the goods or services from other sources and hold the contractor responsible for any excess cost.
- E. Continuation of the terms of the contract beyond the fiscal year is contingent on availability of funds in the following year's budget. In the event of unavailability of such funds the owner reserves the right to cancel the contract.

F. ACQUISITION, MERGER, SALE AND/OR TRANSFER OF BUSINESS, ITC.

It is understood by all parties that if during the life of the contract the contractor disposes of his/her business concern by acquisition, merger, sale and or/transfer or by any means convey his/her interest(s) to another party, all obligations are transferred to that new party. In this event, the new owner(s) will be required to submit all documentation/legal instruments that were required in the original bid contract. Any change shall be approved by the Owner.

- G. The contractor will not assign any interest in the contract and shall not transfer any interest in the same without the prior written consent of the owner.

H. The owner may terminate the contract for convenience *by* providing 60 calendar days advanced notice to the contractor.

VIII. PAYMENT

- A. No payment will be made unless duly authorized by the Owner's authorized representative and accompanied by proper documentation.
- B. Payment will be made in accordance with the Owner's policy and procedures.
- C. Invoices must specify, in detail, the period for which payment is claimed, the services performed during the prescribed period, the amount claimed between the services claimed and the Proposal Cost Form.**
- D. The owner does not pay penalty or interest on past due bills.
- E. The successful bidder shall complete a W-9 Form and submit it to the Fiscal Department prior to the contract award.

IX. PROPOSAL REQUIREMENTS (see section X)

Qualification Statement and Proposal

Bidders are requested to submit a Qualification Statement and Proposal which shall be no more than three (3) typed, single sided letter size sheets in length. The Qualification Statement and Proposal must contain all of the requirements of the RFQ and the following information.

1. A statement that your firm is interested in performing the work described in the RFQ.
2. The address of the office in which the work will be performed.
3. The name and title of the individuals who will be assigned to the project.
4. A narrative demonstrating your understanding of the work requested. The narrative must detail your firm's particular ability to perform the type of work requested in a professional and cost-effective manner.

X. Request for Qualifications - General and Specialized Legal Services

The Passaic County Board of Social Services will accept proposals for Legal Services for the period starting **October 1, 2021 and ending September 30, 2022**. It is the Board's desire to retain a pool of pre-qualified attorneys that will be used to provide professional legal services in legal matters that may arise in connection with the business and management of various programs and operations.

An interested party must provide evidence that it satisfies the minimum requirements set forth in Section 3 and that it otherwise complies with the proposal requirements set forth in these specifications.

1.) Appointment Process for Legal Services Counsel

The Board has decided to solicit proposals for Legal Services in the event the need arises for such attorneys. The Committee for the selection of professionals will recommend an attorney or attorneys for this position, based on the specifications herein to perform legal services for the Board, when required. Through this solicitation, the Board is creating a pool of qualified legal professionals. The Passaic County Board of Social Services may select individuals or firms for this position, so long as they are satisfied that the minimum requirements set forth in Section III hereof will be satisfied.

2.) Scope of Services

The scope of Legal Services will be as follows as each pertains to the operation and management of the Passaic County Board of Social Services.

- a) Attend meetings as requested.
- b) Confer and advise the officers and members of the Passaic County Board of Social Services
- c) Prepare or review contracts, legal instruments and documents as may be required by the Passaic County Board of Social Services
- d) Appear and represent the Board in litigation matters.
- e) Render legal opinions as directed *by the* Board.
- f) Assist in collective bargaining negotiations and in the administration of labor agreements between the Board and unions representing employees of the Board
- g) Represent the Board before Administrative Agencies and Judicial Forums in matters involving employee discipline.
- h) Develop and present the position of the Board before Appellate Courts.
- i) Prepare or review lease agreements.
- j) Provide special expertise in matters involving the Public Employment Relations Commission.
- k) Research and report on legal issues as directed by the Board.

3.) **Minimum Qualifications and Responses to this Solicitation**

In order for its proposal to be considered by the PCBSS interested parties must meet minimum requirements in at least two areas of the six areas listed below,

- **Two (2) years' experience** in the role of an attorney for a municipality, public agency or governmental entity in the State of New Jersey prior to the submission of this proposal.
- **Five (5) years' experience** in the operation of a multi-disciplinary law practice in the area of civil practice.
- **Three (3) years' experience** in the presentation of cases before the Office of Administrative Law.
- **Three (3) years' experience** in the negotiation and administration of public labor agreements.
- **Three (3) years' experience** in the preparation and presentation of oral arguments before Appellate Courts, both State and Federal.
- **Three (3) years' experience** in the defense of public officials and agencies in civil litigation.

In addition to the above, a successful bidder must have a minimum of seven (7) years of law practice in the State of New Jersey. Proof of the law

All attorneys or firms responding to this proposal must show proof of professional liability coverage in an amount of at least \$1,000,000 with a carrier that has an AAA rating by A.M. Best Company or other insurance rating company.

Attorneys or firms that have represented any adverse party or claims whether administrative, civil, criminal, or otherwise against the PCBSS within the past three (3) years will not be considered for this solicitation.

4.) **Agree to Accept the PCBSS' Legal Fee Schedule**

Additionally, in order for your application to be considered by the PCBSS, interested parties must agree to accept the fee schedule for legal counsel/attorneys that has been established by the County of Passaic,

The specific hourly rate for the representation of the PCBSS is: \$150.00 per hour, as provided in County of Passaic Fee Resolution of December 1991. The fee schedule for billing will be governed by the American Bar Association's Billing Standards, and each bill submitted will be subject to the review and approval of the PCBSS.

BID PROPOSAL FORM

GENERAL AND SPECIALIZED LEGAL SERVICES

CREATION OF A POOL OF PRE-QUALIFIED ATTORNEYS/LAW FIRMS THAT THE BOARD OF SOCIAL SERVICES WILL USE TO PROVIDE PROFESSIONAL LEGAL SERVICES IN LEGAL MATIERS THAT MAY ARISE IN CONNECTION WITH THE BUSINESS AND MANAGEMENT OF ITS VARIOUS PROGARMS AND OPERATIONS

PROFESSIONAL SERVICES

The undersigned proposes to furnish and deliver the above goods/services pursuant to the bid specification and made paIt hereof:

Amount in words

Amount in numbers

Company Name

Federal Id. # or Social Security#

Address

Signature of Authorized Agent

Type or Print Name

Title:

Telephone#

Date

| STANDARD BID DOCUMENT REFERENCE | |
|--|---|
| Reference: IV-A | |
| Name of Form: | AFFIRMATIVE ACTION COMPLIANCE NOTICE |
| Statutory Reference: | N J.S.A. 10:5-31 (P.L 1975, c.127) and N.J.A.C 17:27-1 et seq. |
| Instructions Reference: | Statutory and Other Requirements VII-A-1 |
| Description: | To assure vendor compliance with State affirmative action requirements. |

Each 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:

1. A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter); or
2. A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4; or
3. A photocopy of an Employee Information Repo11 (F01m AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

This form provides the bidder guidance on the requirements. It is advisory in nature only and is a non-mandatory, waivable form.

For information on the requirements of the Affirmative Action Law, contact:

Division of Contract Compliance & Equal Employment Opportunity in Public Contracting
 Department of the Treasury
 State of New Jersey
 P.O. Box 209
 Trenton, NJ 08625-0209
 609-292-5473
 E-mail: www.state.nj.us/treasury/contract_compliance/ccmail.shtml
 Agency website: www.state.nj.us/treasury/contract_compliance

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 take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality, or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

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

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

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

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

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

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

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

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

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

AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27

GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

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

(a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter).

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

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

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

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

COMPANY:_____

SIGNATURE:_____

PRJNT NAME:_____

TITLE:_____

DATE:_____

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

The contractor and the PASSAIC COUNTY BOARD OF SOCIAL SERVICES, (*hereafter* "owner") do hereby agree that the provisions of Title II of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. §121-01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

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

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

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

STOCKHOLDER DISCLOSURE CERTIFICATION
This Statement Shall Be Included with Bid Submission

Name of Business _____

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

OR

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

If a corporation owns all or part of the stock of the corporation or partnership submitting the bid, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that owning corporation. If no one owns 10% or more stock, attest to that.

Check the box that represents the type of business organization:

___ Partnership ___ Corporation ___ Sole Proprietorship

___ Limited Partnership ___ Limited Liability Corporation ___ Limited Liability Partnership

___ Subchapter S Corporation

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

Stockholders:

Name: _____

Name: _____

Home Address: _____

Home Address: _____

Name: _____

Name: _____

Home Address: _____

Home Address: _____

Name: _____

Name: _____

Home Address: _____

Home Address: _____

Subscribed and sworn to before me this ____ day of 2021.

(Affiant)

(Notary Public)

(Print name & title of affiant)

My Commission expires: _____

(Corporate Seal)

| STANDARD BID DOCUMENT REFERENCE | |
|--|--|
|--|--|

| | |
|------------------------|--|
| Reference: IV-D | |
|------------------------|--|

| | |
|------------------------|---|
| Name of Form: | BUSINESS REGISTRATION CERTIFICATE |
| Statutory Reference: | N.J.S.A. 52:32-44 (P.L. 2004, c.57) |
| Instructions Reference | Statutory and Other Requirements VII-D |
| Description: | Contractor must provide State Division of Revenue issued Business Registration Certificate with the bid submission. |

Detailed information on this requirement is found in Division of Local Government Services Local Finance Notices 2004-17 (8/6/04), 2004-24 (11/1/04), 2005-12 (4/27/05) and on the Division web site at www.nj.gov/dca/lgs/lpc1. These resources and a Frequently Asked Questions resource should be consulted when questions arise.

PASSAIC COUNTY BOARD OF SOCIAL SERVICES

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

entitled General and Specialized Legal Services, and that I executed the said proposal with

full 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 Passaic County Board of Social Services** relies upon the 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

_____ 2021.

Signature

(Type or print name of affiant under signature)

Notary public of _____

My Commission expires: _____

(SEAL)

| STANDARD BID DOCUMENT REFERENCE | |
|--|---|
| <u>REFERENCE: IV-G</u> | |
| Name of Form: | FORMS TO BE PROVIDED BY ELEC |
| Statutory Reference: | N.J.S.A. 19:44A-20.27 (P.L. 2005, c.271, S.3) |
| Instructions Reference: | Statutory and Other Requirements VII |
| Description: | Disclosure of Contributions to ELEC |

Disclosure of Contributions to New Jersey Election Law Enforcement Commission (ELEC)

N.J.S.A. 19:44A-20.27 establishes a new disclosure requirement for business entities. It requires that, when a business entity has received in any calendar year \$50,000 or more in public contracts with public entities, it must file an annual report with the Election Law Enforcement Commission (ELEC). The report shall disclose any contribution of money or any other thing of value, including an in-kind contribution, or pledge to make a contribution of any kind:

- To a candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, or,
- To a political party committee, legislative leadership committee, political committee or continuing political committee.

The report will include all reportable contributions made by the business entity during the 12 months prior to the reporting deadline. ELEC will be promulgating a form and procedures for filing commencing in January 2007. ELEC can also impose fines for failure to comply with this requirement.

While the local unit has no role in this process, it is recommended that all bid or proposal specifications and contracts should include language notifying business entities of their potential obligation under the law. Such language could read as follows:

Starting in January 2007, all business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of \$50,000 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

PASSAIC COUNTY BOARD OF SOCIAL SERVICES

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA

The undersigned Bidder hereby acknowledges receipt of the following Addenda:

| <u>Addendum Number</u> | <u>Dated</u> | <u>Acknowledge Receipt</u> (initial) |
|------------------------|--------------|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

____ No addenda were received:

Acknowledged for: _____
(Name of Bidder)

By: -----
(Signature of Authorized Representative)

Name: -----
(Print or Type)

Title:

Date:

Disclosure of Investment Activities in Iran

| | |
|--------------|--|
| Bidder Name: | |
|--------------|--|

Part 1: Certification

BIDDERS ARE TO COMPLETE PART 1 BY CHECKING EITHER
BOX.

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

Check the Appropriate Box

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 P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

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 sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as nonresponsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law,

Part 2 — Additional Information

PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN. You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran on additional sheets provided by you.

Part 3: Certification

I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments there 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 *<name of contracting unit>* 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 *<reference to contracting unit>* to notify the *<reference to contracting units>* in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the *<name of contracting unit>* and that the *<reference to contracting units>* at its option may declare any contract(s) resulting from this certification void and unenforceable.

| | |
|-------------------|--------|
| Full Name(print): | Title: |
| Signature: | Date: |

GENERAL AND SPECIALIZED SERVICES

BID DOCUMENT CHECKLIST*

| Required by owner | Submission Requirement | Initial each required entry and if required submit the item |
|----------------------|--|---|
| | Stockholder Disclosure Certification | |
| | Non-Collusion Affidavit | |
| | Acknowledgment of Receipt of Addenda | |
| | Bid Proposal Form | |
| | References | |
| | Mandatory Affirmative Action Compliance Notice | |
| | Mandatory Equal Opportunity Language | |
| | Americans with Disabilities Act of 1990 Language | |
| | Proof of Business Registration | |
| | Disclosure of Investment Activities in Iran | |
| | Political Disclosure Form | |
| | Certificate of Liability Insurance, Professional Liability and Workers Compensation | |

*This form need not be submitted. It is provided for bidder's use in assuring compliance with all required documentation.

