

**REQUEST FOR PROPOSAL FOR
AFFORDABLE HOUSING/COAH
SPECIAL LITIGATION COUNSEL**

Issued by

Township of Hamilton

ATLANTIC COUNTY, NEW JERSEY

Date Issued

Saturday, July 13, 2024

Responses Due By

Friday, August 2, 2024

Publicly Opened at 10:00 a.m.

Township of Hamilton
6101 Thirteenth Street
Mays Landing, New Jersey 08330

**NOTICE OF SOLICITATION FOR PROPOSAL
FOR AFFORDABLE HOUSING/COAH
SPECIAL LITIGATION COUNSEL**

Notice is hereby given that the Township of Hamilton, County of Atlantic and State of New Jersey seeks to engage a firm to fill the following position for the Township for a one (1) year term from the date of award. The contract will be awarded through a fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4 (New Jersey Pay to Play Law). If awarded a contract, Vendor 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 et seq.

- Affordable Housing/COAH Special Litigation Counsel

Copies of the specifications by be obtained from the Township Clerk's Office, 6101 Thirteenth Street, Mays Landing, NJ 08330 (609-625-1511, ext. 600) or downloaded from the Township website www.hamiltonatnj.gov.

Proposals must be received by the Township Clerk no later than 10:00 a.m. prevailing time on Friday, August 2, 2024 at 6101 Thirteenth Street, Mays Landing, New Jersey 08330 and will be publicly opened in Conference Room A at 10:00 a.m. on the same day.

All questions concerning this notice must be addressed to the Township Administrator at (609) 625-4762.

Rita Martino, RMC
Township Clerk

Township of Hamilton
6101 Thirteenth Street
Mays Landing, New Jersey 08330

**REQUEST FOR PROPOSALS (RFP) FOR
AFFORDABLE HOUSING/COAH SPECIAL LITIGATION COUNSEL**

I. PURPOSE AND INTENT

A. Through this Request for Proposal (RFP), the Township of Hamilton (hereinafter the "Township") seeks to engage a firm as Affordable Housing/COAH Special Litigation Counsel for a one (1) year term upon award of contract. This contract will be awarded through a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.

II. PROPOSAL SUBMISSION

A. Submissions **MUST** include:

- a) Two (2) original, paper/hard copy, clearly marked as the "ORIGINAL," AND
- b) Five (5) full, complete and exact paper/hard copies, clearly marked as "COPY"

B. Submissions **MUST** be in the format specified in Paragraph A above; the Township will not accept Faxed proposals nor emailed proposal. Faxed or emailed proposals shall not be considered.

C. **Please DO NOT submit your proposal in a three-ring binder or plastic folder cover, spiral bound with a wire or plastic comb, with section dividers between parts, or with pages inserted in plastic sleeves. These materials are expensive for you and actually make it more difficult for us to review and evaluate your proposal. Proposals are evaluated only on their content, not on their appearance.**

D. Submissions shall be submitted in sealed envelopes and must be marked with "AFFORDABLE HOUSING/COAH SPECIAL LITIGATION COUNSEL" and addressed to:

Township Clerk
Township of Hamilton
6101 Thirteen Street
Mays Landing, New Jersey 08330

E. **Proposals must be received no later than FRIDAY, AUGUST 2, 2024 AT 10:00 A.M.**

F. Proposals will be publicly opened on Friday, August 2, 2024 at 10:00 a.m. in Conference Room A of the Municipal Building, 6101 Thirteenth Street, Mays Landing, New Jersey 08330.

G. Any inquiry concerning this RFP should be directed in writing to:

Township Administrator
Township of Hamilton
6101 Thirteenth Street
Mays Landing, New Jersey 08330

H. All documents/information submitted in response to this solicitation shall be available to the general public as required by the New Jersey Open Public Records Act N.J.S.A. 47:1A-1 et seq. The Township will not be responsible for any costs associated with the oral or written and/or presentation of the proposals. The Township reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposal. The Township further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all firms submitting proposals. In the event that all proposals are rejected, the Township reserves the right to re-solicit proposals.

III. GENERAL INFORMATION ON THE TOWNSHIP OF HAMILTON

A. The Township of Hamilton operates under the Township Committee form of Government pursuant to N.J.S.A. 40A:63-1. The Township is approximately 113 square miles; has a population of 27,484; an annual operating budget of approximately \$28 million; and approximately 138 employees. The Township Committee generally meets the first and third Mondays of each month, as well as special meetings on an as-needed basis.

B. All the following are contained in the Township's 113 square miles:

- a) Pinelands Regional Growth Area (RGA)
- b) Pinelands Protection Areas
- c) CAFRA (Coastal Area Facility Review Act)
- d) Great Egg Harbor National Wild & Scenic River Area
- e) Industrial Park
- f) Dense Residential Development
- g) Suburban Communities
- h) Large areas of Woodlands
- i) Rural Residential Development
- j) Lake/Dam/Beach
- k) Large areas of wetlands
- l) Historic District
- m) Parks and Recreation Areas

IV. MINIMUM QUALIFICATIONS

- a) Must be licensed to practice law in the State of New Jersey and appear before all State and Federal courts and administrative office of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
- b) Must have a Certificate of Authorization if a corporation.
- c) Must have experience practicing State Courts for a minimum of ten (10) years.
- d) Experience representing municipalities in affordable housing and COAH litigation and be familiar with the Supreme Court's decisions pertaining to same.
- e) Must have sufficient support staff to provide all services requested by the Township.
- f) Must list past and present public entities represented as attorney and any related issues.

- g) Must provide a detailed description of the company's qualifications and experience, including resumes of personnel who will be assigned to provide services to the Township of Hamilton.

V. MANDATORY CONTENTS OF PROPOSAL

- A. **Definitions** - While an applicant does not have to match each item exactly, the following is what is generally meant when used in this RFP:

- 1) **SCOPE:** Magnitude of the project, and value of the contract
- 2) **SIZE:** When used in this context refers to such things as: budget, miles of roads, number of employees, acres of recreation areas, size of municipal bonds, population, number of homes.
- 3) **SIMILAR:** Refers to such things as towns that are partially or wholly in the Pinelands, have areas of dense suburban development, have areas of non-dense woodlands, have large recreation complexes, contain streams and lakes, contain federally regulated wetlands and have large commercial areas.

- B. In addition to demonstrating an ability to meet all minimum qualifications listed above, the firm must also include and address the following:

- 1) **Submission Checklist:** Firms shall use this Checklist to confirm that all required information is included, and must submit a copy of the completed Checklist with their proposal.
- 2) **Contact Information:** Provide the name and address of the Firm; the name, telephone number, fax number, and email address of the individual responsible for the preparation of the proposal.
- 3) **A Fee Proposal:** A proposal showing minimum and maximum ranges is not acceptable.
 - a. The Township will not award a contract to any Attorney whose hourly rate exceeds \$210.
 - b. The Township will not award fixed contracts. All "fixed rate proposals" should be in the form of "not to exceed" proposals.
 - c. **Fee Proposal MUST be placed on the LAST page of your proposal packet.**
- 4) **An Executive Summary** of not more than two (2) pages, identifying and substantiating why the firm is qualified to provide the requested services.
- 5) **A Staffing Plan** listing those persons who will be assigned to the engagement if the Firm is selected, including the designation of the person who would be the Firm's officer responsible for all services required under the engagement. This portion of the proposal should include the relevant resume information for the individual who will be assigned. This information should include, at a minimum, a description of the person's relevant professional experience; years and type of experience; and number of years with the Firm.
- 6) **A description of the firm's experience** in performing services of the type described in this RFP. Specifically identify client size and specific examples of work within the scope of services required under this RFP in similarly-sized municipalities. It is imperative to show experience in similarly-sized towns.

- 7) **The location of the office**, if other than the Firm's main office, at which the Firm proposes to perform services required under this RFP. Describe your presence in New Jersey and any familiarity your Firm has with the Atlantic County area.
- 8) **Five (5) references** for which similar services have been provided for. Experience in similarly-sized municipalities is a plus. Provide the contact names, titles and phone numbers.
- 9) If the firm or any principle therein has been subject to any **professional disciplinary action** over the last three (3) years, the Firm must provide a description of the litigation and/or disciplinary action.
- 10) In its proposal, the Firm must identify any existing or potential **conflicts of interest** and disclose any representation of parties or other relationships that might be considered a conflict of interest with regard to this engagement, or the Township.
- 11) **Insurance and Indemnification** – The Township requires the Firm to secure and maintain during the life of this contract the following insurance coverages which will insure against claims which may arise out of or result from the business operations under the contract and for which the Firm may be legally liable. All required insurance coverages must be underwritten by insurers allowed to do business in the State of New Jersey and acceptable to the Township. Insurance shall be written for not less than the limits specified below or required by law, whichever may be greater. The Firm shall not commence work under this contract until it has obtained the insurance required under this section.
- a. **Commercial General Liability Insurance** or its equivalent for bodily injury, personal and advertising injury and property damage including loss of use, with minimum limits of:
- o \$1,000,000 each occurrence
 - o \$1,000,000 personal and advertising injury
 - o \$2,000,000 general aggregate per project; and
 - o \$2,000,000 products/completed operations aggregate
- This insurance shall include:**
- o Blanket contractual liability, including protection for the Firm from bodily injury and/or property damage claims arising out of liability assumed under this Contract
 - o Liability arising from products and ongoing & completed operations
 - o Liability arising from the actions of independent contractors; and
 - o Liability arising from premises operations
- b. **Business Automobile Liability Insurance** or its equivalent including applicable No-Fault coverage, with limits of liability not less than \$1,000,000 per accident combined single limit Bodily Injury and Property Damage. Coverage to include "Owned, Non-Owned, and Hired" automobiles.

- c. **Workers' Compensation Insurance** or its equivalent with statutory benefits as required by any State or Federal law, including "other states" coverage: **Employer's Liability Insurance** with minimum limits of:
- o \$1,000,000 each accident for bodily injury by accident
 - o \$1,000,000 each employee for bodily injury by disease; and
 - o \$1,000,000 policy limit for bodily injury by disease

This requirement applies to ALL Firms, including sole proprietors

- d. **Umbrella Liability Insurance** or its equivalent with a minimum limit of \$2,000,000 per occurrence/annual aggregate. Coverage shall follow form over the general liability, automobile liability and employer's liability coverages.
- e. **Professional Liability / Errors & Omissions Insurance** or its equivalent with limits of liability not less than \$1,000,000 per occurrence / \$2,000,000 annual aggregate. Insurance must be maintained, and evidence of insurance must be provided for at least two (2) years after completion of the contract of work.
- f. **Cyber Security and Privacy Liability Insurance** – Contracts with Consultants or Contractors with access to Confidential or Personally Identifiable Information (PII) or its equivalent with limits of liability not less than \$1,000,000 per occurrence or claim.
- g. **Additional Insured Status** – "Township of Hamilton, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and their board members, employees, and volunteers" shall be added as additional insured on the **General Liability** policy with respect to work performed by the insured. The above wording shall be on the certificate of insurance and a copy of the additional insured endorsement must be provided.
- h. **Primary / Non-Contributory Coverage** shall be primary to the additional insureds and shall not be contributing with any other insurance or similar protection available to the additional insureds, whether other available insurance be primary, contributing or excess.
- i. **Waiver of Subrogation** – The Firm hereby grants to the Township a waiver of any right to subrogation which any insurer or contractor may acquire from the Firm by virtue of the payment of any loss. The Firm agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the Township for all work performed by the Firm, its employees, agents, and subcontractors.
- j. **Subcontractors** – The Firm shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein.
- k. **Cancellation Clause** – Coverage required under this Agreement shall not be cancelled, non-renewed or materially changed without thirty (30) days prior written notice from the Firm to the Township, except where cancellation is for nonpayment of premium, then ten (10) days' prior notice shall be given.

1. **Proof of Required Insurance** – The Firm shall provide the Township along with the proposal Certificate(s) of Insurance evidencing such required coverages. A copy of the General Liability Additional Insured Endorsement must be provided with the certificate(s).

All Firms MUST provide the correct Certificates of Insurance / proof of insurance listed above along with their proposal

- m. The appointed Professionals shall provide the Township at the time the contract is returned to them for execution, Certificate(s) of Insurance and endorsements evidencing all required coverages.
- n. **Continuation of Coverage** – If any of the above coverages expire during the term of this contract, the Firm shall deliver renewal Certificate(s) to the Township at least ten (10) days prior to the expiration date.
- o. All appointed professionals MUST return a signed contract and provide all required documentation and insurance proofs no later than August 2, 2024.

VI. ADMINISTRATIVE REQUIREMENTS AND INFORMATION

- A. **Business Registration** – Section I of P.L. 2001, c.134 is amended to read as follows:
An act concerning business registration for providers of goods and services to the State, State colleges or universities, county colleges, local contracting units, boards of education, water and wastewater contractors and casinos, supplementing Title 54 of the revised Statutes and amending P.L. 1977, c110

No contracts shall be entered into by any contracting agency unless the contractor provides a copy of its business registration.

All professionals submitting proposals shall submit a copy of their Business Registration Certificate with their proposal.

- B. **Affirmative Action Requirements** – If awarded a contract, the Firm shall be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. (P.L. 1975, c.127) and N.J.A.C. 17:27 et seq.
 - a) Procurement, Professional and Service Contracts – All successful vendors must submit to the public agency, after notification of award but prior to execution of a good and services contract, one of the following three (3) documents:
 - i. Letter of Federal Affirmative Action Plan Approval;
 - ii. Certificate of Employee Information Report; or
 - iii. Employee Information Report Form AA-302
- C. **Stockholder Disclosure** – Chapter 33 of Public Law 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 bid or accompanying the bid for said corporation or partnership, there is a submitted statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten percent (10%) or greater interest therein. Form of Statement shall be completed and attached to the bid proposal.

- D. **Disclosure of Investment Activities in Iran** – The Firm must submit a completed form with the proposal. Failure to submit the completed form will render the proposal non-responsive.

Pursuant to N.J.S.A. 52, 32-55, et seq., any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete a certification with their proposal, in the form provided, 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 of Purchase and Property’s website at: www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf.

- E. **Certification of Non-Involvement in Prohibited Activities in Russia or Belarus** – The Firm must submit a completed certification with the proposal. Failure to submit the completed certification will render the proposal non-responsive.

Pursuant to N.J.S.A. 52:32-60.1 et seq., any person or entity that seeks to enter into or renew a contract with a State agency for the provision of goods or services, or the purchase of bonds or other obligations, must complete a certification indicating whether or not the Firm is identified on the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, available at <https://sanctionssearch.ofac.treas.gov/>.

- F. **Non-Collusion Affidavit**

VII. INTERVIEW

- 1) The Township Committee (or, if designated, the Township Administrator) reserves the right to interview any or all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The Township reserves the right to request clarifying information subsequent to submission of the proposal.

VIII. SELECTION PROCESS

- 1) All proposals will be reviewed by the Township Committee to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For firms that satisfy Part IV – “Minimum Qualifications” and Part V – “Mandatory Contests of Proposal,” the Township will evaluate proposals based on the following evaluation criteria, separate or combined in some manner, and not necessarily listed in order of significance:
 - a) The firm’s general approach to providing the services required under this RFP.
 - b) The firm’s documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this RFP.
 - c) The qualifications and experience of the firm’s management, supervisory or other key personnel assigned to the engagement, with emphasis on documented experience in successfully completing work on contracts of similar size and scope to the services required by this RFP.
 - d) The overall ability of the firm to mobilize, undertake and successfully complete the scope of work in a timely fashion. This criterion will include, but not be limited to, the following

factors: the number and qualifications of management, supervisory and other staff proposed by the firm to perform the services required by this RFP; the availability and commitment to the engagement of the firm's management, supervisory and other staff proposed.

e) Costs and fee schedules.

IX. SELECTION AND CONTRACT

- 1) **The Township will select the firm deemed most advantageous to the Township, price and other factors considered.** The resulting contract will include this RFP, any clarifications or addenda thereto, the selected firm's proposal, and any changes negotiated by the parties.

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Township of Hamilton
Atlantic County, New Jersey

EXHIBIT A

**Request for Proposals for
Affordable Housing/COAH Special Litigation Counsel**

Submission Checklist

For your convenience, the following is a checklist of items that all Firms must include with An RFP in order to fulfill the Township's mandatory requirements. Please see Section V – "Mandatory Contents of Proposal" for specific requirements for each item; and please include a copy of this completed Checklist with your submission.

1. _____ Submission of Checklist
2. _____ Contact Information
3. _____ Executive Summary
4. _____ Staffing Plan
5. _____ Description of Firm's Experience
6. _____ Location of Office (if other than Firm's main office)
7. _____ Five (5) References
8. _____ Any Professional Disciplinary Actions
9. _____ Any Potential Conflicts of Interest
10. _____ Business Registration
11. _____ Affirmative Action Requirements
By checking this item, Firm certifies that it has either attached proof of compliance, or will be able to provide proof of compliance upon award of contract, as outlined in Section VI. 3a).
12. _____ Stockholder Disclosure Form
13. _____ Disclosure of Investment Activities in Iran
14. _____ Certification of Non-Involvement in Prohibited Activities in Russia or Belarus
15. _____ Non-Collusion Affidavit

16. _____ Proof of Insurance and Indemnification
Firm must include Certificates of Insurance and/or policies acceptable to the municipality as listed in Section V. 11b – o) with proposal.
- a. _____ Commercial General Liability AND Motor Vehicle Liability Certificates of Insurance
 - b. _____ Professional Liability Insurance/Errors Omissions Certificates of Insurance
 - c. _____ **If appointed, Firm agrees to provide proof of Workers' Compensation & Employer's Liability Insurance and updated Certificates of Insurance and/or policies acceptable to the Municipality as listed in Section V. 11c – o, upon award of contract.**
17. _____ Fee Proposal (**MUST BE PLACED ON THE LAST PAGE OF YOUR PROPOSAL PACKET**)
18. _____ Proposal Submission
- a. _____ Two (2) original, paper/hard copy, clearly marked as the "ORIGINAL"
 - b. _____ Five (5) full, complete and exact paper/hard copies, clearly marked as "COPY"

Township of Hamilton
Atlantic County, New Jersey

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 et seq.

GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES 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 is not 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 supplements 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 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 (3) documents:

- Letter of Federal Affirmative Action Plan Approval;
- Certificate of Employee Information Report; or
- Employee Information Report Form AA-302 (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 subcontractor shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program 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 Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

Township of Hamilton
Atlantic County, New Jersey

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 et seq.

GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES 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 is not 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 supplements 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 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 (3) documents:

- Letter of Federal Affirmative Action Plan Approval;
- Certificate of Employee Information Report; or
- Employee Information Report Form AA-302 (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 subcontractor shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program 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 Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

STATEMENT OF OWNERSHIP DISCLOSURE

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization: _____

Organization Address: _____

Part I Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type) Limited Liability Company (LLC)
- Partnership Limited Partnership Limited Liability Partnership (LLP)
- Other (be specific): _____

Part II

- The list below contains 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. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

OR

- No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

| Name of Individual or Business Entity | Address |
|---------------------------------------|---------|
| | |
| | |
| | |
| | |

Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

| Website (URL) containing the last annual SEC (or foreign equivalent) filing | Page #'s |
|---|----------|
| | |
| | |
| | |

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II other than for any publicly traded parent entities referenced above. 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 pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

| Stockholder/Partner/Member and Corresponding Entity Listed in Part II | Address |
|---|---------|
| | |
| | |
| | |

Part IV 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 *Township of Hamilton (Atlantic County)* 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 *Township of Hamilton (Atlantic County)* to notify the *Township of Hamilton (Atlantic County)* 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 the, permitting the *Township of Hamilton (Atlantic County)* to declare any contract(s) resulting from this certification void and unenforceable.

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

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
 Required Pursuant To N.J.S.A. 19:44A-20.8
HAMILTON TOWNSHIP, ATLANTIC COUNTY

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the _____ 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 that would bar the award of this contract in the one year period _____, 2024 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Hamilton as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

| | |
|--|--|
| 2022 Thelma Witherspoon – Atlantic County Democratic Committee | |
| 2024 Arthur Schenker – Regular Republican | |
| 2023 Robert Laws- Regular Republican | |
| 2022 Carl Pitale – Regular Republican | |
| 2021 Richard Cheek – Regular Republican | |

Part II – 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

| Name of Stock 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: _____

Signature of Affiant: _____ Title: _____

Printed Name of Affiant : _____ Date: _____

| | |
|---|----------------------------------|
| Subscribed and sworn before me this ____ day of _____, 2____. | _____ (Witnessed or attested by) |
| My Commission expires: | _____ (Seal) |

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
HAMILTON TOWNSHIP, ATLANTIC COUNTY

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

“business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

“interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

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**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

“The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

# Disclosure of Investment Activities in Iran

|                          |  |
|--------------------------|--|
| <b>Person or Entity:</b> |  |
|--------------------------|--|

## 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 N.J. Division of Purchase and Property website at [www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf](http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf). Bidders must review this list prior to completing the below certification. Failure to complete the certification may render a bidder's proposal non-responsive. If a person or entity is found to be in potential violation of law, the matter shall be referred to the State Attorney General who 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:

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | 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 <u>listed</u> 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. |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**OR**

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | 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 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 Contracting Unit to notify the Contracting Unit 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 Contracting Unit and that the Contracting Unit at its option may declare any contract(s) resulting from this certification void and unenforceable.

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



## CERTIFICATION OF NON-INVOLVEMENT IN PROHIBITED ACTIVITIES IN RUSSIA OR BELARUS

Pursuant to N.J.S.A. 52:32-60.1, et seq. (L. 2022, c. 3) any person or entity (hereinafter "Vendor") that seeks to enter into or renew a contract with a State agency for the provision of goods or services, or the purchase of bonds or other obligations, must complete the certification below indicating whether or not the Vendor is identified on the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, available here: <https://sanctionssearch.ofac.treas.gov/>. If the Department of the Treasury finds that a Vendor has made a certification in violation of the law, it shall take any 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.

I, the undersigned, certify that I have read the definition of "Vendor" below, and have reviewed the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, and having done so certify:

*(Check the Appropriate Box)*

A. That the Vendor is not identified on the OFAC Specially Designated Nationals and Blocked Persons list on account of activity related to Russia and/or Belarus.

*OR*

B. That I am unable to certify as to "A" above, because the Vendor is identified on the OFAC Specially Designated Nationals and Blocked Persons list on account of activity related to Russia and/or Belarus.

*OR*

C. That I am unable to certify as to "A" above, because the Vendor is identified on the OFAC Specially Designated Nationals and Blocked Persons list. However, the Vendor is engaged in activity related to Russia and/or Belarus consistent with federal law, regulation, license or exemption. A detailed description of how the Vendor's activity related to Russia and/or Belarus is consistent with federal law is set forth below.

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*(Attach Additional Sheets If Necessary.)*

\_\_\_\_\_  
Signature of Vendor's Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title of Vendor's Authorized Representative

\_\_\_\_\_  
Vendor's FEIN

\_\_\_\_\_  
Vendor's Name

\_\_\_\_\_  
Vendor's Phone Number

\_\_\_\_\_  
Vendor's Address (Street Address)

\_\_\_\_\_  
Vendor's Fax Number

\_\_\_\_\_  
Vendor's Address (City/State/Zip Code)

\_\_\_\_\_  
Vendor's Email Address

<sup>i</sup> Vendor means: (1) A natural person, corporation, company, limited partnership, limited liability partnership, limited liability company, business association, sole proprietorship, joint venture, partnership, society, trust, or any other nongovernmental entity, organization, or group; (2) Any governmental entity or instrumentality of a government, including a multilateral development institution, as defined in Section 1701(c)(3) of the International Financial Institutions Act, 22 U.S.C. 262r(c)(3); or (3) Any parent, successor, subunit, direct or indirect subsidiary, or any entity under common ownership or control with, any entity described in paragraph (1) or (2).

NON-COLLUSION AFFIDAVIT

State of New Jersey  
County Of Atlantic

I, \_\_\_\_\_ residing in \_\_\_\_\_  
(Name of Affiant) (Name of Municipality)

in the County of \_\_\_\_\_ and the 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 Position) (Name of Firm)

the bidder making this Proposal for the bid proposal entitled, "FOR THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC" 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 for 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 Township of Hamilton 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 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:

\_\_\_\_\_  
NAME OF CONTRACTOR

\_\_\_\_\_  
(Affiant)

Subscribed and sworn before me  
This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Print name & title of affiant)

\_\_\_\_\_  
(Notary Public)

My Commission Expires:

(Corporate Seal)