



MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY

VENDOR PURCHASING GUIDE

“CONDUCTING BUSINESS WITH THE MHMUA”

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PREFACE

This information is intended to bring awareness to all vendors conducting business with the MHMUA as to the purchasing policies established by the MHMUA and the Local Public Contracts Law (LPCL) N.J.S.A. 40A:11-1 et seq. promulgated by the State of New Jersey. This document is not intended to be a formal legal guide or to offer legal or procedural advice of any kind.

The MHMUA welcomes all interested vendors and suppliers interested in offering equipment, materials, services or supplies. This information is provided as a means to make your interaction with the MHMUA as mutually beneficial as possible while creating a better understanding of the MHMUA purchasing policies.

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INTRODUCTION

The role of Purchasing and Accounts Payable

Purchasing and Accounts Payable assist all departments with acquiring goods and services needed to maintain the operations of the MHMUA's treatment plants and sewage pumping stations. The primary goal is to maintain a fair and open purchasing process for all vendors while obtaining the best goods and services at the appropriate prices, and making sure that prompt payment is issued for same.

OBJECTIVES OF THE PURCHASING PROCESS

- ✓ To secure the needed goods and services in the proper quantity and quality, at the lowest possible cost consistent with prevailing economic conditions while establishing and maintaining fairness and integrity in the purchasing process.
- ✓ To provide information and advice to MHMUA management and supervisors involved in the purchasing process of conditions and trends that could affect future availability and price of goods or services.
- ✓ To oversee the proper disposal of products and/or surplus, damaged or obsolete equipment and materials while obtaining the best possible price when possible.

TERMS

Generally Accepted Term	NJ Division of Purchase & Property Term	Description
Bid	Solicitation	An opportunity to procure goods/services on behalf of one or more using agencies
Formal Bid	RFP/RFQ	A publicly advertised opportunity/solicitation to procure goods or services on behalf of one or more using agencies. Vendor quotes (bidder proposals) received in response to a "formal bid" (RFP/RFQ) are held sealed until a specified date, time and location at which time they are opened. Quote (Proposal) openings can only be modified through an advertised Bid Amendment (Addendum)
Informal Bid	RFI, Telephone Quotes	A request for information pertaining to the potential procurement of goods or services on behalf of one or more using agencies. Vendor (Bidder) quotes received in response to an Request for Information (RFI) can be viewed throughout the process, and the Quote (Proposal) opening can be modified at any time
Bid Amendment	Addendum	A change to the Bid (Solicitation) prior to the deadline for Quote (Proposal) submission
Change Order	Contract Amendment	A change to the Contract after an award has been made
Invoice	Invoice	Receipt that documents fulfillment of goods or services, and triggers payment
Invoice with Change Order		Receipt documenting fulfillment of goods or services, and triggers payment. In a Change Order, one or more aspects of the initial terms have been modified after initial invoicing process
Purchase Order	Purchase Order/Contract	Contract resulting from a solicitation for pricing
Quote	Quote/Proposal	Submission of pricing and/or technical quote (proposal) in response to a bid (solicitation) or procurement request
Requisition		Documents used to request goods or services as part of a purchase or a procurement request
Vendor	Bidder/Contractor/Proposer	A vendor responding to a request for goods or services is a <u>bidder or proposer</u> . A vendor awarded a purchase order (contract) for goods or services is a <u>contractor</u>

METHODS OF PURCHASING

The method of acquisition for goods and services is determined by what is being purchased, the aggregation for, or total amount to be spent on a similar good or service within a specified period.

BID PROCESS

The costs for goods and services exceeding the MHMUA bid threshold (currently \$40,000) are normally made following the public bidding process required by the Local Public Contracts Law (LPCL). The LPCL requires that advertisements (Notice to Bidders) be published in an "official" newspaper previously identified by resolution of the MHMUA (Burlington County Times and Courier Post). Additionally, bid opportunities are posted on the MHMUA's website; www.mhmua.com.

The printed specification for the goods or services is available at the MHMUA Business Office or at www.mhmua.com. The MHMUA does not usually charge for a printed specification. However, there may be charges if the specification contains architectural, engineering or other technical drawings. The MHMUA will advise of any fees associated with the specification in the Notice to Bidders. If payment is required it is due upon or prior to receipt.

QUOTATION PROCESS

The purchase of goods or services estimated to be below the bid threshold in total dollar value for a 12-month calendar year may be purchased without bids by obtaining three written quotes.

At the MHMUA's discretion, the purchase of goods or services below \$6,000 may be purchased after two formal quotes are received.

STATE CONTRACT VENDORS

The MHMUA is permitted to purchase goods or services without public bidding from a "Federal, State or County Cooperative Contract Vendor." These vendors have agreed to provide goods or services under the terms of a bid specification and conditions of the contract, including pricing to all governmental agencies in the program.

EXTRAORDINARY UNSPECIFIABLE & PROFESSIONAL SERVICES

The LPCL permits the MHMUA to waive the requirements for Public Bidding for purchases exceeding the bid threshold when the services are of a professional nature or meet the definition as Extraordinary Unspecifiable Services (EUS) as defined by LPCL N.J.S.A. 40A:11-5

EMERGENCY PURCHASES

Emergency purchases will be permitted only when an emergency exists affecting the public health, safety or welfare and requires the immediate delivery of goods or performance of service as defined by LPCL N.J.S.A. 40A:11-6

BID & QUOTATION PURCHASING METHODS

INVITATION FOR BID (IFB)

Notice to Bidders will be published in the Burlington County Times and Courier Post (legal advertisement section) and posted on the MHMUA website www.mhmua.com

An IFB is generally required for any commodity, services, or public improvement when cost exceeds the statutory bid advertising threshold. Pursuant to the LPCL N.J.S.A. 40A:11-3, this type of bid must be submitted in accordance with the terms and conditions prescribed in the respective bid package.

The printed specification for the IFB is available at the MHMUA Business Office or the MHMUA website www.mhmua.com. The MHMUA does not usually charge for a printed specification. However, there may be charges if the specification contains architectural, engineering or other technical drawings. The

MHMUA will advise of any fees associated with the specification in the Notice to Bidders. If payment is required it is due prior or upon to receipt.

All prospective bidders acquiring the specification are required to complete a Bidder Information Sheet. This is required so that any notices or addendums may be made available to all potential bidders.

Sealed bids are publicly opened and read aloud at the date, time, and location specified in the notice to bidders. Vendors and any interested parties are invited to attend all openings. Bid proposals are available for inspection after all have been opened.

REQUESTS FOR PROPOSAL (RFP)

The MHMUA will publish legal advertisements announcing the RFP "Notice to Bidders/Proposers" in the Burlington County Times and Courier Post (legal advertisement section) and posted on the MHMUA website www.mhmua.com

An RFP may be utilized for the procurement of specialized professional service and highly technical systems. The RFP will describe the specific need, terms and conditions. Included, will be qualification questionnaire forms, response instruction, and requests for any additional information necessary for the MHMUA to evaluate each response.

The printed specification for the RFP is available at the MHMUA Business Office or the MHMUA website www.mhmua.com. The MHMUA does not usually charge for a printed specification. However, there may be charges if the specification contains architectural, engineering or other technical drawings. The MHMUA will advise of any fees associated with the specification in the Notice to Bidders/Proposers. If payment is required it is due prior to or upon receipt.

REQUESTS FOR QUOTATIONS (RFQ)

Purchases over \$17,500 but under the statutory bid threshold will generally require an RFQ. The MHMUA will contact three or more vendors believed to be providers of the desired good or service and ask them for written quotations by a specified deadline. Quotations should be presented in writing on the vendor's letterhead or pre-printed estimate forms. Terms, conditions, pricing, unit descriptions, specifications and any other information required to completely describe the quote should be typed (preferred) or clearly handwritten on the quote. The quote should be signed by an officer of the firm who is authorized to enter into any potentially resulting contract. Written notification will be sent to the vendor awarded the purchase in the form of an official purchase order.

PAYMENT & PURCHASE ORDERS (PO)

Verbal or confirmed orders are prohibited unless the MHMUA issues a PO. Once the vendor receives the PO, they must sign the Claimant's Certification section and either mail, email or fax it back to the MHMUA with invoice (if possible). Any invoice issued by a vendor must reference the MHMUA issued PO number for payment.

Once the signed PO and invoice are received and the MHMUA confirms that all goods or services were provided as stipulated, the PO, invoice and any supporting documents will be forwarded to accounts payable for processing.

All requests for payment must be received by the last day of the month prior to the Board meeting so that the requests can be processed and added to the bill list for review by the Board. It is the vendor's responsibility to submit all required and **PROPERLY COMPLETED PAPERWORK** in a timely manner to allow for prompt payment by the MHMUA.

All requests for payment must be approved by the MHMUA Board before a check is released. The Board usually meets the 2nd Thursday of each month (unless rescheduled and advertised) at which time

all requests for payment are reviewed and should be approved unless the Board “holds” payment for a specific reason. Once Board approval is received, the checks are released to the vendors.

PROMPT PAYMENT OF CONSTRUCTION CONTRACTS, P.L. 2006, c. 96

P.L.2006,C.96 (Chapter 96), known as the “Prompt Payment” Law, establishes timing standards for the payment of bills for a wide range of construction-related contractors. The “**default**” payment procedure in the law may conflict with existing procedures in some government agencies, for which the bill provides alternate procedures. The law intends to ensure that contractors submitting bills for completed work are paid on a timely, established schedule, and that subcontractors receive timely payment from their hiring contractor. When payments are not made pursuant to the schedule, the law allows contractors to receive interest on the outstanding balance and, under certain circumstances, to halt work without being subject to breach of contract clauses. For further information go on line <http://www.state.nj.us/dca/lgs/>

The law defines the term “structure” to mean any part of a building and other improvements to real property.

The law defines the term “improve” to mean the following:

- To build, alter, repair or demolish any structure upon, connected with, on or beneath the surface of any real property;
- To excavate, clear, grade, fill or landscape any real property;
- To construct driveways and private roadways on real property;
- To furnish construction related materials, including trees and shrubbery, for any of the above purposes; or,
- To perform any labor upon a structure, including any design, professional or skilled services furnished by an architect, engineer, land surveyor or landscape architect licensed or registered pursuant to the laws of this State.

BID OPENING ADVERTISEMENT

P. L. 2007, c.4 (A-2527) limits when MHMUA can accept bids for local public contracts and amends the LPCL N.J.S.A. 40A:11-23(a) and N.J.S.A. 18A:18A-21(a).

The date fixed for receiving any bids shall not fall on a Monday, or any day directly following a State or federal holiday. Currently, all federal holidays are also State holidays, and many of them fall on Mondays. The law applies whether or not the MHMUA observes a given holiday. The law supersedes local holiday observance.

BID APPROVAL PROCESS

Sealed bids/proposals will be opened and read aloud at the date, time and location advertised in the notice to bidders/proposers. Bids/proposals must have been identified, prepared and delivered in strict accordance with the advertised instructions. The MHMUA will review and evaluate bids/proposals and offers in terms of vendors being responsible and their bid/proposals being responsive to the specification or scope of service/work. Should circumstances warrant, the MHMUA reserves the right to reject all bids submitted in response to the advertisement.

Bids are examined and evaluated for:

- ✓ Best price
- ✓ Compliance with bid specification
- ✓ Financial responsibility
- ✓ Reputation of vendor
- ✓ Service availability
- ✓ Other relevant consideration

Following this analysis, a recommendation may be submitted to the Board for award of the contract to the lowest **RESPONSIBLE** bidder. All awards or rejections normally occur within thirty (30) days, but in no case more than sixty (60) days from the advertised opening.

Exceptions to this schedule would be in accordance with LPCL N.J.S.A. 40A:11-24, which provides for extensions to the sixty (60) days award period if the three (3) lowest bidders agree to the MHMUA's request to extend the award period. Notification of award/rejection will be made in writing on MHMUA letterhead.

BONDING

There are several types of bonds frequently required when the MHMUA uses the bid process:

BID BONDS

The purpose of the bond is to protect the MHMUA as a means to make sure the awarded bidder fulfills the contract.

A bid deposit (certified check, cashier's check or BID BOND) for goods or services may be required in accordance with LPCL N.J.S.A. 40A:11-21. The bond will always be in an amount to be no less than 10% of the amount of the bid, but not to exceed \$20,000.

PERFORMANCE BONDS

In accordance with LPCL N.J.S.A. 40A:11-22, a performance bond or payment bond is required in the terms prescribed in the specifications for most public improvement and certain specialized equipment.

SURETY/MAINTENANCE BOND

In accordance with the terms prescribed in the specifications, this bond is normally required of the contractor before completion of the project.

APPENDIX A

FREQUENTLY ASKED QUESTIONS

Following are some of the most frequently asked questions received from vendors/proposers listed by topic. Vendors/proposers are urged to contact the MHMUA at 609-267-0015 with any questions not contained in the following:

FREQUENTLY ASKED QUESTIONS

Competitive Sealed Bids

QUESTION	RESPONSE
How do I register as a prospective bidder?	The MHMUA Purchasing Bid Portal was designed to help vendors conduct business with the MHMUA. Registering on this site will allow you to receive automatic notifications of formal bid solicitations. You can register online at www.mhmua.com .
What is the mailing address to submit a bid?	Mount Holly Municipal Utilities Authority, 1 Park Drive, PO Box 486 Mount Holly, New Jersey 08060-0486
When and where are bids opened?	Bids will be opened at the date, time and location advertised in the Notice to Bidder.
What if my bid is late?	It is the bidders responsibility to ensure that bids are delivered by the date and time required by the Notice to Bidders. <u>LATE BIDS WILL NOT BE ACCEPTED</u> . A late bid will be returned to the bidder unopened and will not be considered for award. Bidders may call 609-267-0015 to ascertain if their bid was delivered.
Can I obtain bid documents on-line?	Yes, bid documents can be obtained online at www.mhmua.com once the prospective Bidder Information Sheet is completed.
Is there a charge for bid documents?	There is no charge for most bid documents available on the bid portal. If a fee is required for plans and specifications, it will be indicated in the Notice to Bidders and stated on the portal record.
Where can I go to see what contracts are currently being advertised for bid?	You can view upcoming bid information at www.mhmua.com to see what contracts are currently being advertised
Can I obtain bid results on-line?	Bid results will be posted at www.mhmua.com on-line after submittals are reviewed and the MHMUA Board has taken action

Professional Services

QUESTION	RESPONSE
How can my firm find out about solicitations for Professional Consultant Services?	Requests for professional services or extraordinary unspecifiable services ("EUS") will usually be in the form of a Request for Proposal ("RFP"), Request for Quotation ("RFQ") and EUS information is posted at www.mhmua.com
Is there a charge for RFP, RFQ or EUS documents?	Unless specifically indicated, the MHMUA does not charge for such documents
Who selects the winning proposal?	Awards for proposals are made by the MHMUA Board

Pay to Play

QUESTION	RESPONSE
What contracts are subject to NJ State Pay-to-Play restrictions?	Any contract in excess of \$17,500 that is not awarded through a Fair and Open Process.
What is a “fair and open process”?	<p>Under N.J.S.A. 19:44A-20.4 et seq., a “fair and open” process is a competitive process compliant with the rules and restrictions set forth by the State’s Local Unit Pay-to-Play law. Specifically, the “fair and open” process shall include, at minimum:</p> <ul style="list-style-type: none"> ○ Public advertisement (either conventionally in newspapers OR posted on the entity’s website) with “sufficient time to give notice,” and ○ Award under “a process that provides for public solicitation of proposals OR qualifications,” and ○ Established on the basis of an award and disclosure process documented in writing prior to any solicitation, and ○ Publicly opened and announced when awarded
Can contractors awarded contracts through a fair and open process (including public bids or competitive contracting) make reportable contributions to municipal or county candidates or political committees?	<p>Under NJ State Pay-to-Play law, only a non-fair and open process prohibits the business entity from making contributions in the year prior to award and during the term of a contract. Also, any contribution over \$500 during the preceding 12-month period to:</p> <ul style="list-style-type: none"> ○ Any State, county, or municipal committee of any political party; ○ Any legislative leadership committee; ○ Any candidate, committee of a candidate for, or holder of, any elective office in the Township of Mount Holly, or in the County of Burlington, or in any other municipality within the County of Burlington; or ○ Any candidate, committee of a candidate for, or holder of, any elective office in the Eighth Legislative District; or ○ Any continuing political action committee (PAC)
Are contracts that are exempt from bidding (pursuant to N.J.S.A. 40A:11-5) subject to Pay-To-Play?	Yes, under New Jersey State Pay to Play, all contracts in excess of \$17,500 are subject to a fair and open process or must comply with the reporting requirements of a non-fair and open process.
May a business entity that has made a reportable contribution re-establish eligibility for a contract by requesting that the contribution be returned?	Yes, Under the New Jersey Pay to Play, provided that the contribution is returned within sixty (60) days of said contribution. The New Jersey Election Law Enforcement Commission (“ELEC”) should be consulted for additional information.

WHAT IS PREVAILING WAGE

The New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.) establishes a prevailing wage level for workers engaged in public works in order to safeguard the workers efficiency and general well-being, and to protect them as well as their employers from the effects of serious and unfair competition resulting from wage levels that are detrimental to the efficiency and well-being of all concerned.

The Act requires the payment of minimum rates of pay to laborers, craftsmen and apprentices employed on public works projects. Covered workers must receive the appropriate craft prevailing wage rate as determined by the Commissioner of Labor and Workforce Development. *Prevailing wage rates are wage rates based on the collective bargaining agreements established for a particular craft or trade in the locality in which the public work is performed. In New Jersey, these rates vary by county and by the type of work performed.*

Public works projects subject to the Act are those funded in whole or in part with the funds of a public body. Contracts awarded directly by municipal government must be valued at \$15,444 (effective July 1, 2014) or more to be covered by the Act. For all other public entities, including municipal utility authorities and boards of education, the threshold is \$2,000.

Anyone interested in bidding on or engaging in any contract (or part thereof) for public work which is subject to the provisions of the Prevailing Wage Act must register with the Division of Wage and Hour Compliance as required by the Public Works Contractor Registration Act (PWCRA) P.L. 1999, c.238-N.J.S.A. 34:11-56.48 et seq. which establishes a unified procedure for the registration of contractors and subcontractors engaged in public works building projects. The PWCRA requires an annual registration fee of \$300. After successful completion of two consecutive years of registration, a contractor may elect to register for a two year period and pay a registration fee of \$500.

Upon registration, the contractor and/or subcontractor will be issued a certificate indicating compliance with the requirements of the Act. Public bodies are expected to require proof of registration of all contractors bidding on the project and all subcontractors identified in such bids.

DEFINITION OF PUBLIC CONTRACTS WORK

Public work means any construction, reconstruction, demolition, alteration or repair work, or maintenance work including painting and decorating, done under contract and paid for in whole or in part out of the funds of the public body, except work performed under a rehabilitation program. Public work also means construction, reconstruction, demolition, alteration, or repair work done on any property or premises, whether or not the work is paid from public funds, if at the time of entering into the contract:

1. Not less than 55% of the property or premises is leased by a public body, or is subject to an agreement to be subsequently leased by the public body; and
2. The portion of the property or premises that is leased or subject to an agreement to be subsequently leased by the public body measures more than 20,000 square feet.

The Division of Wage and Hour Compliance Public Contracts Section regulates the payment of prevailing wage rates on public work projects through:

1. The distribution of a prevailing wage rate determination for each trade, craft and classification;
2. The routine site inspections of public construction projects;
3. The implementation of fines and penalties to offenders; and
4. The debarment from bidding and working on public works projects for three years for those contractors determined to be serious offenders.

The Act and regulations requires every contractor or sub-contractor performing public work for a public body to maintain the following records:

1. The name, address, social security number, craft or trade of each worker, and;
2. The actual hourly rate of pay, actual daily, overtime and weekly hours worked in each craft or trade, gross pay, itemized deductions, and net pay paid to the employee; such record shall also include:
 - a. Any fringe benefits paid to approved plans, funds or programs on behalf of the employee; and
 - b. Fringe benefits paid in cash to the employee.

These records must be preserved for a two year period from the date of payment and shall be open at all reasonable hours to the public body awarding the contract, to any other party to the lease or agreement to lease pursuant to which the public work is done and to the Commissioner of Labor and Workforce Development.

PREVAILING WAGE RATE DETERMINATIONS

The Prevailing Wage Rate Determinations list wage and fringe benefit rates based on collective bargaining agreements established for a particular craft or trade on the locality in which the public work is performed. In New Jersey, rates vary by county and statewide and by the type of work performed.

Applicable prevailing wage rates are those wages and fringe benefits in effect on the date the contract is awarded. All pre-determined rate increases listed at the time the contract is awarded must also be paid, beginning on the dates specified.

All contractors and subcontractors performing public work for a public body shall post the prevailing wage rates for each craft and classification, including the effective date of any changes to the rate, in a prominent and easily accessible place at the site of the work or at such places that are used by employers to pay workers their wages.

PREVAILING WAGE FORMS

Form MW-31B is to be used by an employee when claiming non-payment of prevailing wage rate by the employer.

Effective February 18, 1992 Regulation N.J.A.C. 12:60-2.1 and 6.1 of the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et. seq. requires that certified payroll records must be submitted to the public body, by all contractors and subcontractors, for each employee on the project within ten (10) days of the payment of wages using the **Payroll Certification for Public Works Projects** (for Contractor and Sub-Contractor's Use for Weekly and Final Certification).

The public body shall receive, file and make available for inspection during normal business hours the certified payroll records.

Prevailing Wage FAQ

QUESTION	REQ.	RESPONSE
What is custom fabrication?		The Prevailing Wage Act defines custom fabrication as the fabrication of plumbing, heating, cooling, ventilation and exhaust duct systems, and mechanical insulation that is going to be installed on a public works project. Certified payroll documentation is required for custom fabrication work.
Are owner/operators and sole proprietors who perform covered work subject to the Prevailing Wage Act?	YES	The information required for owner/operators and sole proprietors is the same as for all other employees, with no exceptions.
Is a corporate officer who performs covered work subject to the Prevailing Wage Act?	YES	The corporate officer is an employee of the corporation who must be paid and reported on, as would any other employee.
Are foremen who perform covered work subject to the Prevailing Wage Act?	YES	Foremen who are performing "hands on" work must be paid prevailing rates of pay in the appropriate classification(s) for the "hands on" work.
Is the delivery of moveable traffic barriers which will be removed from the site when the project is finished, subject to the Prevailing Wage Act?	YES	The delivery of items that requires set-up or installation is subject to the Prevailing Wage Act <u>if the items are required by the contract.</u>
Is snow plowing and removal subject to the Prevailing Wage Act?	YES	If the work is being performed as part of, or in conjunction with, a construction, reconstruction, demolition, alteration or repair project.
Is installation work such as pulling wires, installation of jacks, and termination of wires in racks subject to the Prevailing Wage Act?	YES	
Are truckers who are hired by a construction contractor to pick up materials from an off-site location (asphalt plant, quarry, contractor's yard, etc.) and deliver them to a public works project subject to the Prevailing Wage Act?	YES	
Is fence installation subject to the Prevailing Wage Act?	YES	
Is hazardous waste removal services such as asbestos abatement and mold remediation services subject to the Prevailing Wage Act?	YES	
As part of a construction, reconstruction, demolition or repair project is power washing (cleaning) subject to the Prevailing Wage Act?	YES	If the power washing is performed as part of, or in conjunction with, a construction, reconstruction, demolition or repair project, it is subject to the Prevailing Wage Act and certified payroll documentation is required.
	NO	Power washing (cleaning) by itself is not subject to the Prevailing Wage Act. Certified payroll documentation is NOT required.
Is tree maintenance and landscape planting subject to the Prevailing Wage Act?	YES	If these services are performed as part of, or in conjunction with, a construction, renovation, repair, or demolition project which is itself subject to the Act, then certified payroll documentation is required.
	NO	Tree maintenance (trimming or removal of trees) and the planting of trees is not subject to the Prevailing Wage Act if it is performed outside of a public works project that is subject to the Act.

Are vendors that supply only materials subject to the Prevailing Wage Act?	YES	If the contract calls for installation, whether or not the work is done by the vendor or a sub-contractor
	NO	If the vendor is strictly a materials supplier they are NOT subject to the Prevailing Wage Act
Are truckers who are hired by a material supplier to deliver materials to a public works project subject to the Prevailing Wage Act?	YES	If they are also acting as a contractor
		Material suppliers are exempt from the Prevailing Wage Act
The prime contractor requires the subcontractor to file certified payrolls with them. Does this satisfy the subcontractor's filing requirements with the awarding public body?	NO	The law requires that all subcontractors and contractors file certified payrolls within 10 days of pay dates with contracting public entity.
Is programming of existing systems, placing or plugging in of equipment subject to the Prevailing Wage Act?	NO	
Is delivery of tools or equipment (items that will not become a permanent part of the site) to a public works jobsite subject to the Prevailing Wage Act?	NO	
Is landscape maintenance subject to the Prevailing Wage Act?	NO	
Are services of architects, engineers and surveyors subject to the Prevailing Wage Act?	NO	There is no classification for this type of work

APPENDIX B

Following are sample forms the vendor/proposer may be required to complete and submit with the sealed proposal. The need to complete any or all forms will be determined by the MHMUA and identified by an “X” on the document checklist.

Mount Holly Municipal Utilities Authority

CHECKLIST

TO BE TITLED BY MHMUA: _____

TO BE DATED BY MHMUA - SUBMISSION DATE: _____

The following items, as indicated below (X), shall be provided with the receipt of sealed proposals:

Required by OWNER When X		Initial each required entry and if required submit the item
	Bid Proposal Form / Fee Structure	
	Proposer Survey Forms: Biographical Information	
	Proposer Survey Forms: Annual Summary	
	Proposer Survey Forms: Statement of Ownership Disclosure	
	Proposer Survey Forms: Disclosure of Investigations and Actions Involving Service Entity	
	Proposer Survey Forms: Reference Information	
	Proposer Survey Forms: Conflict of Interest Certification	
	Non-Collusion Affidavit	
	Proof of New Jersey Business Registration	
	Acknowledgement of Receipt of Addenda, Corrections, Additions or Deletions Form	
	Insurance Requirement Acknowledgement Form	
	Affirmative Action Compliance Notice	
	Affirmative Action Acknowledgement Form	
	Political Contribution Disclosure Forms	
	Disclosure of Investment Activities in Iran Form	

MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY PROPOSAL SHEET

The undersigned proposes to furnish and deliver the goods/services pursuant to the RFP and made part hereof.

FOR PROFESSIONAL RFP

Professionals should outline fees proposed, fee schedule (including attendance at regular monthly or special meetings), or other basis for compensation requested. Where applicable, indicate hourly rates, monthly or other retainers, per project fees, or such other manner of compensation deemed appropriate to the services to be provided.

Please provide the hourly rate for services in each of the following categories. Any fee or cost not specified in your proposal is to be included within the hourly fee proposed.

Name & Title of Employees Who Will Provide Services	Hourly Rate	Expenses
Travel Time		
Fax		
Postage		
Copies		
Other (Specify) -		
Other (Specify) -		
<i>Please use additional sheets if necessary.</i>		

TO COMPLETED FOR ALL BID PROPOSALS, REQUESTS FOR PROPOSAL, AND REQUESTS FOR QUOTATION

The undersigned hereby declares that they have carefully examined the requirements of the specifications contained herein and propose the following for the position of Risk Management Consultant, and if awarded the contract, he/she will provide services as required by the specifications.

TOTAL COST, where appropriate, total cost "not to exceed" amount:

In numbers \$_____ In words: \$_____

Company Name

Federal I.D. # or Social Security #

Address

Signature of Authorized Agent

Type or Print Name

Title

Date

Telephone Number

Fax Number

E-mail

****Please include on a separate sheet the definition of the title used. The definition should reference the level of experience, licensing, and/or parameters of the job function.**

Contract will be awarded by price and other factors considered.

**Mount Holly Municipal Utilities Authority
FOR PROFESSIONAL SERVICES ONLY - PROPOSER SURVEY FORM
BIOGRAPHICAL INFORMATION**

(Print or Type)

Name of Proposer Firm:			
Address:	City:	State:	Zip:

In connection with the above-named company, I hereby make representations and supply information about myself as hereinafter set forth. (attach addendum or separate sheet if space hereon is insufficient to answer any question fully)

IF ANSWER IS "NONE" or "NO EXCEPTION", SO STATE

1.	Affiant's Full Name:
2.	Other Names Used at any Time:
3.	Date of Birth: Place of Birth:
4.	Tax Identification Number:
5.	For the last 10 years, I have lived at the following address or addresses:
	Address: City: State: Zip:
	Address: City: State: Zip:
	Address: City: State: Zip:

6.	Schooling	College	
		Graduate	
		or Professional	
		Degree (List)	
(ATTACH LIST OF ALL EDUCATIONAL INSTITUTIONS AND LOCATION-CITY AND STATE)			

7. Member of Professional Societies or Associations (List):

8. I presently hold or have held, in the past, the following professional, occupational, and vocational licenses issued by public or governmental licensing agencies or authorities (state date license issue, issuer of license, date terminated, and reason for termination):

9.	Present Chief Occupation			
	Position or Title			
	Employer's Name			
	Address:	City:	State:	Zip:
How long in this position?		How long with this employer?		Where?

10. Other jobs, positions, directorates concurrently held at present.

--

11. Complete Employment record for Past 20 Years:

DATES	EMPLOYER & ADDRESS	TITLE

12. I control directly or indirectly or own legally or beneficially 10% or more of the outstanding capital stock (in voting power) of the following companies:

13. If any of the above stock is pledged or hypothecated in any way, please detail fully:

14. I have never been adjudicated as bankrupt, except as follows:

15. I have never been convicted or had a sentence imposed or suspended, or had pronouncement of a sentence suspended, or been pardoned for conviction of, or pleaded guilty of an nolo contendere to an information an indictment charging a felony for embezzlement, theft or larceny, mail fraud, or violating any corporate securities statute or any insurance law, nor have I been the subject of a cease and desist order or consent order of any federal or state regulatory agency, except as follows:

16. During the last 10 years, I have neither been refused a professional, occupational vocational license by any public or governmental licensing agency or regulatory Authority, nor has such a license held by me ever been suspended or revoked, except as follows:

17. I have never been an officer, director, key employee or controlling stockholder of a company which, while I occupied any such position or capacity with respect to it, became insolvent or was enjoined from or ordered to cease and desist from violating any law, except as follows:

18. Neither I nor any company of which I was an officer, director or key management person at the time has ever been subject to any civil action alleging fraud, negligence or violation of any applicable racketeering statutes (state or federal), except as follows:

I hereby certify under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief and further, by the affixation of my signature herein, I hereby give my certified consent to the New Jersey Department of Insurance to verify the representations and information supplied in response to all questions on the biographical data form, with any Federal, State, municipal or other agency which may have knowledge and/or information thereon.

(Signature of Affiant)

State of _____

County of _____

_____ personally appeared before me, personally known to me, who, being duly sworn, deposes and says that affiant executed the above instrument and that the statements and answers contained therein are true and correct to the best of affiant's knowledge and belief.

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public

My Commission Expires _____

(SEAL)

Mount Holly Municipal Utilities Authority
FOR PROFESSIONAL SERVICES ONLY - PROPOSER SURVEY FORM
YEAR 20 SUMMARY

Firm Name:		
Address:	City:	State: Zip:
Phone:	Email:	Fax:

1.) List all parties having or deriving any interest, right or benefit in the firm.

NAME	ADDRESS	INTEREST

2.) List all senior officers and directors who will be servicing the MHMUA, along with a description of professional qualifications.

NAME	TITLE	QUALIFICATIONS

I hereby certify that the information on this disclosure is accurate and complete and that I am an officer of the firm and am duly authorized to supply this information on behalf of the firm.

Signature: _____

Print: _____

Title: _____

Date: _____

Mount Holly Municipal Utilities Authority
PROPOSER SURVEY FORM
STATEMENT OF OWNERSHIP DISCLOSURE FORM
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.

Firm Name:			
Address:	City:	State:	Zip:

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	Home Address (for Individuals) or Business 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	Home Address (for Individuals) or Business 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 proposer; that the Mount Holly Municipal Utilities Authority 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 Mount Holly Municipal Utilities Authority to notify the Mount Holly Municipal Utilities Authority 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 Mount Holly Municipal Utilities Authority to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print)

Title

Signature

Date

**Mount Holly Municipal Utilities Authority
PROPOSER SURVEY FORM
DISCLOSURE OF INVESTIGATIONS AND ACTIONS INVOLVING PROPOSER**

The proposer shall provide a detailed description of any investigation, litigation, including administrative complaints or other administrative proceedings, involving any public-sector client during the past five (5) years including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and, if applicable, disposition.

INVESTIGATION(S)

Indicate "NONE" if no investigations were undertaken. Attach additional pages if necessary.

Person or Entity	Date of Inception	Brief Description	Disposition/Status (If Applicable)	Proposer Contact Names & Telephone for additional Information

Litigation/Administrative Complaints Indicate "NONE" if no Litigation/Administrative Complaints. Attach additional pages if necessary.

Person or Entity	Date of Inception	Caption of the Action	Brief Description of the Action	Current Status or Disposition (if applicable)	Proposer Contact Name and Telephone for additional information

**Mount Holly Municipal Utilities Authority
PROPOSER SURVEY FORM
CLIENT REFERENCE FORM**

Proposer shall provide a list of three (3) clients for whom similar services have been provided

Reference 1

Client Name:			
Address:		City:	State: Zip:
Contact Person:		Title:	
Telephone:	Fax:		Email:
Briefly describe the services provided by the Proposer:			

The Contact Person should be a responsible party of the Client for which the work was performed, and have comprehensive knowledge about the project and the Proposer's role and responsibilities within the project.

Reference 2

Client Name:			
Address:		City:	State: Zip:
Contact Person:		Title:	
Telephone:	Fax:		Email:
Briefly describe the services provided by the Proposer:			

The Contact Person should be a responsible party of the Client for which the work was performed, and have comprehensive knowledge about the project and the Proposer's role and responsibilities within the project.

Reference 3

Client Name:			
Address:		City:	State: Zip:
Contact Person:		Title:	
Telephone:	Fax:		Email:
Briefly describe the services provided by the Proposer:			

The Contact Person should be a responsible party of the Client for which the work was performed, and have comprehensive knowledge about the project and the Proposer's role and responsibilities within the project.

**Mount Holly Municipal Utilities Authority
PROPOSER SURVEY FORM
CONFLICT OF INTEREST CERTIFICATION**

The undersigned certifies to the Mount Holly Municipal Utilities Authority ("MHMUA"), County of Burlington, State of New Jersey that in performing services to the MHMUA he/she is aware of no circumstance that would constitute a conflict of interest, financial or otherwise, between himself/herself (or his/her firm) and the interests of the MHMUA. The undersigned certifies that he/she has made a search of his/her firm's client base and has executed this certification subsequent to such search.

The undersigned acknowledges this is a continuing certification, and shall remain in effect for the term of the services contained in the solicited request for proposal. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, the MHMUA is free to terminate any professional service agreement entered into with the undersigned and/or his or her firm.

COMPANY/FIRM: _____

Full Name (Print)

Title

Signature

Date

Mount Holly Municipal Utilities Authority

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 Firm making the submission for the service entitled _____,
(name of Professional Service)

and that I executed the said proposal with full authority to do so that said; that said Firm has not, directly or indirectly entered into any agreements, participated in any collusion, or otherwise taken any action in restraint of fair and open competition in connection with the above named service; and that all statements contained in said submission and in this affidavit are true and correct, and made with full knowledge that the Mount Holly Municipal Utilities Authority relies upon the truth of the statements contained in said submission and in the statements contained in this affidavit in awarding the contract for said Service.

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:

Name of Firm

Subscribed and sworn to before me this day this ____ day of _____, 20____

Notary public, State of _____

(Signature of Professional)

My Commission expires: _____

(Type or Print name of affiant and Title under signature)

(SEAL)

MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY

PROOF OF BUSINESS REGISTRATION

N.J.S.A. 52:32-44 requires that each proposer submit proof of business registration with the proposal. Proof of registration shall be a copy of the proposer'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/nibgs 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 \$50,000 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.

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE	
Taxpayer Name:	
Trade Name:	
Address:	
Certificate Number:	1078979
Effective Date:	August 04, 2004
Date of Issuance:	July 05, 2012
For Office Use Only: 20120705122146759	

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE FOR STATE AGENCY AND CASINO SERVICE CONTRACTOR	
TAXPAYER NAME: TAX REGISTRATION TEST ACCOUNT	TRADE NAME: CLIENT REGISTRATION
TAXPAYER IDENTIFICATION#: 970-097-382/500	SEQUENCE NUMBER: 0107130
ADDRESS: 847 ROEBLING AVE TRENTON NJ 08611	ISSUANCE DATE: 07/14/04
EFFECTIVE DATE: 01/01/01	
FORM-BRC(07-01)	Acting Director <i>John S. Tully</i>
This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.	

Mount Holly Municipal Utilities Authority

**ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA
CORRECTIONS, ADDITIONS AND DELETIONS FORM**

Addendum Number	Dated	Acknowledge Receipt (Initials)

I, _____ of the firm _____
hereby acknowledge that any corrections, additions and/or deletions have been initialed and dated in this
Proposal.

Full Name (Print)

Title

Signature

Date

☐ **NO ADDENDA WERE RECEIVED**

Acknowledge for proposer: _____

Full Name (Print)

Title

Signature

Date

Mount Holly Municipal Utilities Authority

INSURANCE REQUIREMENTS AND ACKNOWLEDGEMENT FORM

Certificate(s) of Insurance shall be filed with the MHMUA upon award of contract by the MHMUA's Board.

The minimum amount of insurance to be carried by the successful contractor shall be as follows:

Professional Liability Insurance

Limits shall be a minimum of \$1,000,000.00 for each claim and \$1,000,000.00 aggregate each policy period.

***Contractor shall not commence operations until MHMUA has been furnished original certificate(s) of Insurance and certified original copies of endorsements or policies of insurance in the amounts and/or minimum coverage(s) required in this proposal.**

Acknowledgement of Insurance Requirement:

Full Name (Print)

Title

Signature

Date

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 contractor'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 contractor 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 contractor may obtain the Affirmative Action Employee Information Report (AA302) from the MHMUA during normal business hours.

The successful contractor(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 MHMUA, and the Vendor copy is retained by the contractor.

The undersigned contractor 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 contractor 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/FIRM: _____

Full Name (Print)

Title

Signature

Date

Mount Holly Municipal Utilities Authority

AFFIRMATIVE ACTION ACKNOWLEDGEMENT

The following questions must be answered by all proposers:

1. Do you have a federally approved or sanctioned Affirmative Action Program?

YES _____

NO _____

If yes, please submit a copy of such approval.

2. Do you have a State Certificate of employee Information Report approval?

YES _____

NO _____

If yes, please submit a photo static copy of such approval.

The undersigned proposer certifies that he/she is aware of the commitment to comply with the requirements of P.L. 1975, Chapter 127, and agrees to furnish the required documentation pursuant to law.

COMPANY/FIRM: _____

PRINT NAME: _____

TITLE: _____

SIGNATURE: _____

DATE: _____

Note: A proposal must be rejected as non-responsive if the proposer fails to comply with the requirements of P.L. 1975, chapter 127, within the time frame stipulated.

Mount Holly Municipal Utilities Authority

AMERICANS WITH DISABILITIES ACT OF 1990 **EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITY**

The CONTRACTOR and the Mount Holly Municipal Utilities Authority (herein referred to as "MHMUA") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the MHMUA pursuant to this contract, the CONTRACTOR agrees that the performance shall be in strict compliance with the Act. In the event 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 MHMUA in any action or administrative proceeding commenced pursuant to this Act. The CONTRACTOR shall indemnify, protect, and save harmless the MHMUA, 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 Authorities grievance procedure, the CONTRACTOR agrees to abide by any decision of the MHMUA, which is rendered pursuant to, said grievance procedure. If any action or administrative proceeding results in an award of damages against the MHMUA or if the MHMUA 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 MHMUA 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 MHMUA or any of its agents, servants, and employees, the MHMUA shall expeditiously forward or have forwarded to the CONTRACTOR every demand, complaint, notice, summons, pleading, or other process received by the MHMUA or its representatives.

It is expressly agreed and understood that any approval by the MHMUA 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 MHMUA pursuant to this paragraph.

It is further agreed and understood that the MHMUA 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 obligations assumed in this Agreement, nor shall they be construed to relieve the CONTRACTOR from any liability, nor preclude the MHMUA from taking any other actions available to it under any other provisions of this Agreement or otherwise at law.

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 **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY

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.

PAY TO PLAY

"New Jersey Local Unit Pay-to-Play" P.L. 2004, c.19 (N.J.S.A.19:44A-20.4 et. seq.) prohibits business and professional entities from making any contributions politically or they will become ineligible to receive a contract when the value of the transaction exceeds \$17,500.00 to provide goods or other professional services from the MHMUA which is not subject to bidding.

"Window Contracts" over \$17,500.00 but less than the MHMUA bid threshold will require submission of a Pay to Play Business Entity Disclosure Document by the vendor (see attached in appendix).

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM
Required Pursuant To N.J.S.A. 19:44A-20.26

**THIS FORM OR ITS PERMITTED FACSIMILE MUST BE SUBMITTED TO THE LOCAL UNIT
 NO LATER THAN 10 DAYS PRIOR TO THE AWARD OF THE CONTRACT.**

Part I –Proposer Firm Information

Firm Name:			
Address:	City:	State:	Zip:

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

Signature	Printed Name	Title
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Part II – Contribution Disclosure

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

☐ Check here if disclosure is provided in electronic form.

Contributor Name	Recipient Name	Date	Dollar Amount
			\$

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

Continuation Page
C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM
Required Pursuant To N.J.S.A. 19:44A-20.26

Page ____ of ____

Vendor Name:

[illegible]☐ Check here if the information is continued on subsequent page(s)

List of Agencies with Elected Officials Required for Political Contribution Disclosure

N.J.S.A. 19:44A-20.26

County Name: _____

State: Governor, and Legislative Leadership Committees

Legislative District #s: State Senator and two members of the General Assembly per district

County: Freeholders County Clerk Sheriff

County Executive Surrogate

Municipalities: Mayor and members of governing body, regardless of title

STATE OF NEW JERSEY – DIVISION OF PURCHASE AND PROPERTY DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

Quote Number: _____ **Bidder/Offeror:** _____

PART 1: CERTIFICATION

BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX

FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE PROPOSAL NON-RESPONSIVE.

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

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

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

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

EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. ADDITIONAL ENTRIES CAN BE ADDED ON ANOTHER SHEET IF REQUIRED AS PART ON THIS DISCLOSURE.

Name: _____ Relationship to Proposer: _____

Description of Activities: _____

Duration of Engagement: _____ Anticipated Cessation Date: _____

Proposer Contact Name: _____ Contact Phone Number _____

Name: _____ Relationship to Proposer: _____

Description of Activities: _____

Duration of Engagement: _____ Anticipated Cessation Date: _____

Proposer Contact Name: _____ Contact Phone Number _____

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; that the State of New Jersey 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 the State to notify the State 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 State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (print): _____ Signature: _____ **Do not enter PIN as a signature**

Title: _____ Date: _____

Mount Holly Municipal Utilities Authority

I HEREBY CERTIFY THE INFORMATION CONTAINED IN THIS PROPOSAL IS CORRECT AND ACCURATE TO MY PERSONAL KNOWLEDGE. I AM MAKING THIS CERTIFICATION IN GOOD FAITH.

CERTIFYING OFFICIAL:

NAME: _____

TITLE: _____

SIGNATURE: _____

DATE: _____