

**BOROUGH OF FAIR HAVEN  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY**

**REQUESTS FOR PROPOSAL / QUALIFICATIONS BOROUGH ATTORNEY**

Sealed proposals will be received by the Borough Clerk of the Borough of Fair Haven, New Jersey at 748 River Road, Fair Haven, New Jersey, on **December 21, 2020 at 11:00 A.M.**

Request for Proposal/Qualifications from Attorneys interested in serving as Borough Attorney to the Borough of Fair Haven for the period January 1, 2021 through December 31, 2021.

Successful applicants will be required to comply with requirements of N.J.S.A. 30:5-33, et seq. (N.J.A.C. 37:27), Equal Employment Opportunity, N.J.S.A. 52:32-44, et. seq., New Jersey Business Registration, N.J.S.A. 10:5-31 Affirmative Action.

The Borough of Fair Haven reserves the right to reject any and or all proposals if it is deemed to be in the best interest of the Borough to do so. The Borough of Fair Haven also reserves the right to conduct interviews of any and or all applicants, as it deems necessary.

By order of the Mayor and Council of the Borough of Fair Haven

**Request for Qualifications from Attorneys Interested in  
Serving as "Borough Attorney"  
to the Borough of Fair Haven for the Period  
January 1, 2021 through December 31, 2021**

**Introduction**

Pursuant to the Fair and Open Process established by N.J.S.A. 39:44A-3, et. Seq., the Borough seeks Requests for Proposal ("RFP") from attorneys licensed to practice law in the State of New Jersey that wish to serve as Municipal Attorney for the Borough of Fair Haven. The successful attorney must have significant experience in representing New Jersey public entities in the capacity as a municipal attorney, as well as litigation experience in Municipal, State and/or Federal Courts, administrative forums and/or arbitration. The successful attorney will provide the following services:

The Borough Attorney must be an attorney at law of New Jersey and shall provide all necessary and desirable legal counsel and advice requested by the Borough.

1. The position of Borough Engineer shall be a one-year appointment beginning on or about January 1, 2021. The proposal/quotation is sought for a retainer for attendance at Borough Council meetings (approximately 24 per year). The current retainer is \$40,000 per year. The Borough will be appointing one professional/firm as Borough Attorney based on its evaluation.
2. Hourly rate of Attorney, Associates, Paralegal, and any other charges for services.
3. Break down of billing method.

**Professional Information and Qualifications**

Each interested attorney shall submit the following information:

1. Name of Attorney and firm in which attorney is associated;
2. Address of principal place of business and all attorney's offices, corresponding telephone and fax numbers and e-mail addresses.
3. Areas of Practice;
4. Description of attorney's education, experience, qualifications, number of years with the current firm and a descriptive narrative of their experience with projects similar to those required herein;
5. Experience related to representation of Municipalities and other public entities;

6. At least three (3) references, of which must have knowledge of your representation of a public entity;
7. Examples of your record of success representing municipalities;
8. The attorney's ability to provide the services in a timely fashion and availability for appearances on behalf of the Borough (including staffing, familiarity and location of key staff);
9. Any other information which the interested attorney deems relevant;
10. A copy of your New Jersey Business Registration Certificate;
11. A completed Statement of Ownership form (attached).
12. A completed Affirmative Action form (attached)

### **Selection Criteria**

The selection criteria used in awarding a contract or agreement for professional services as described herein shall include:

1. Qualifications of the individual who will perform the tasks and the amounts of their respective participation;
2. Experience and references;
3. Ability to perform the task in a timely fashion and availability for appearances on behalf of the Borough, including staffing and familiarity with the subject matter; and
4. Submissions will be evaluated by the Governing Body of the Borough on the basis of the most advantageous, with due consideration to the qualifications and experience of the respondent and quotations submitted and a number of other factors and criteria. The retainer and fee rate quotation will be considered but will not be the controlling factor.

### **Submission Requirements**

Responses to this RFP must be e-mailed as a PDF and one, unbound, original must be delivered in a sealed envelope bearing the title and received no later than **11:00 A.M. on December 21, 2020** to:

Allyson M. Cinquegrana  
Borough of Fair Haven  
748 River Road  
Fair Haven, NJ 07704  
[acinquegrana@fhboro.net](mailto:acinquegrana@fhboro.net)

Please copy the Borough Administrator, Theresa S. Casagrande on your e-mail submission at [tcasagrande@fhboro.net](mailto:tcasagrande@fhboro.net)

## Professional Appointment Checklist for Non-Fair and Open

- Choose Professional and Obtain Fee Proposal
- C.19 Business Entity Disclosure Certificate
- Stockholder Disclosure Certificate
- C.271 Political Contribution Disclosure Form

Practically, the above highlighted items should be reviewed for conflicts, prior to the appointment. However, they must be received at least ten (10) days prior to the award of the contract.

- Mayor to Nominate Professional
- Council to Approve Professional by Resolution with Non Fair and Open Language
- Obtain Form of Contract From Professional– 2 Copies
- C.19 Business Entity Disclosure Certificate
- Stockholder Disclosure Certificate
- C.271 Political Contribution Disclosure Form
- Business Registration Certificate-State NJ
- Certificate of Employee Information Report-State NJ
- (Exhibit A) Mandatory Affirmative Action Language
- (Exhibit B) Required Evidence Affirm Action Regs
- (Exhibit C) Americans with Disabilities Act Language

The documents above must be in the contract.

- Council to approve contract by Resolution
- Mayor to execute contract

## NEW JERSEY BUSINESS REGISTRATION REQUIREMENTS – NON-CONSTRUCTION

All New Jersey and out of state business organizations must obtain a Business Registration Certificate (BRC) from the Department of Treasury, Division of Revenue, prior to conducting business in the State of New Jersey. Proof of valid business registration with the Division of Revenue, Department of Treasury, State of New Jersey, must be submitted with this proposal. No contract will be awarded without proof of business registration with the Division of Revenue. The contract will contain provisions in compliance with N.J.S.A. 52:32-44, as amended, outlined below.

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. Before final payment of the contract is made by the contracting agency, the contractor shall submit an accurate list and proof of business registration of each subcontractor used.

For the term of the contract, the contractor and each of its affiliates and each subcontractor and each of its affiliates (N.J.S.A. 52:32-44 (g) (3)) shall 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. 54:32 B-3, et seq.) on all sales of tangible personal property delivered into this state.

A business organization that fails to provide a copy of a registration as required pursuant to section 3 of P.L. 2003, c.334 (N.J.S.A. 52:32-44 et. seq.) or subsection e. or f. of section 92 of P.L. 3977, c.330 (N.J.S.A. 5:32-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000.00 for each business registration copy not properly provided under a contract with a contracting agency.

Other forms, such as a Certificate of Authority to collect Sales and Use Taxes or a Certificate of Employee Information Report Approval, are not acceptable.

Any questions in this regard can be directed to the Division of Revenue at (609) 292-3730. Form NJ-REG can be filed online at:

<http://www.state.nj.us/treasury/revenue/gettingregistered.htm#busentity>

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

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)

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

**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 would bar the award of this contract in the one year period preceding January 1, 2018 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Borough of Fair Haven as defined pursuant to N.J.S.A. 19:44A-3(p), (g) and (r).

|                                    |                            |
|------------------------------------|----------------------------|
| Mayor Benjamin Lucarelli           | Fair Haven Republican Club |
| Councilman James Banahan           | Fair Haven Republican Club |
| Councilwoman Meghan Chrisner-Keefe | Fair Haven Democratic Club |
| Councilwoman Elizabeth Koch        | Fair Haven Republican Club |
| Councilman Michael McCue           | Fair Haven Democratic Club |
| Councilman Christopher Rodriguez   | Fair Haven Democratic Club |
| Councilwoman Laline C. Neff        | Fair Haven Democratic Club |

**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 |
|------------------------------|--------------|
|                              |              |
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**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)

## C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

### Contractor Instructions

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

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

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

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

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

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

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

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

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor's submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE:** This section does not apply to Board of Education contracts.

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



# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

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

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

## Part I - Vendor Information

|              |        |      |  |
|--------------|--------|------|--|
| Vendor 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 |
|-----------|--------------|-------|

## 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 |
|------------------|----------------|------|---------------|
|                  |                |      | \$            |
|                  |                |      |               |
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|                  |                |      |               |

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: Monmouth  
State Governor, and Legislative Leadership Committees  
Legislative District #s: 10, 11, 12, 13, & 30  
State Senator and two members of the General Assembly per district.

County:  
Freeholders                      County Clerk                      Sheriff                      Surrogate

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

|                            |                        |                             |
|----------------------------|------------------------|-----------------------------|
| Aberdeon Township          | Highlands Borough      | Neptune Township            |
| Allenhurst Borough         | Holmdel Township       | Ocean Township              |
| Allentown Borough          | Howell Township        | Oceanport Borough           |
| Asbury Park City           | Interlaken Borough     | Red Bank Borough            |
| Atlantic Highlands Borough | Keansburg Borough      | Roosevelt Borough           |
| Avon-by-the-Sea Borough    | Keyport Borough        | Rumson Borough              |
| Bolmar Borough             | Lake Como Borough      | Sea Bright Borough          |
| Bradley Beach Borough      | Little Silver Borough  | Sea Cliff Borough           |
| Brielle Borough            | Loch Arbour Village    | Shrewsbury Borough          |
| Colts Neck Township        | Long Branch City       | Shrewsbury Township         |
| Deal Borough               | Manalapan Township     | Spring Lake Borough         |
| Babtown Borough            | Manasquan Borough      | Spring Lake Heights Borough |
| Englishtown Borough        | Marlboro Township      | Tinton Falls Borough        |
| Fair Haven Borough         | Matawan Borough        | Union Beach Borough         |
| Farmingdale Borough        | Middletown Township    | Upper Freehold Township     |
| Freehold Borough           | Milstone Township      | Wall Township               |
| Freehold Township          | Monmouth Beach Borough | West Long Branch Borough    |
| Hazlet Township            | Neptune City Borough   |                             |

(continued on next page)

**Boards of Education (Members of the Board):**

|                            |                               |                             |
|----------------------------|-------------------------------|-----------------------------|
| Allenhurst                 | Holmdel Township              | Oceanport Borough           |
| Asbury Park City           | Howell Township               | Red Bank Borough            |
| Atlantic Highlands Borough | Interlaken                    | Red Bank Regional           |
| Avon Borough               | Keansburg Borough             | Roosevelt Borough           |
| Belmar Borough             | Keyport Borough               | Runson Borough              |
| Bridgely Beach Borough     | Little Silver Borough         | Runson-Fair Haven Regional  |
| Brielle Borough            | Long Branch City              | Sea Bright Borough          |
| Colts Neck Township        | Manalapan-Boggsstown Regional | Sea Cliff Borough           |
| Deal Borough               | Manasquan Borough             | Shore Regional              |
| Easton Township            | Marlboro Township             | Shrewsbury Borough          |
| Fair Haven Borough         | Matawan-Aberdeen Regional     | South Belmar                |
| Farmingdale Borough        | Middletown Township           | Spring Lake Borough         |
| Freehold Borough           | Millstone Township            | Spring Lake Heights Borough |
| Freehold Regional          | Monmouth Beach Boro           | Tinton Falls                |
| Freehold Township          | Monmouth Regional             | Union Beach                 |
| Hazlet Township            | Neptune City                  | Upper Freehold Regional     |
| Henry Hudson Regional      | Neptune Township              | Wall Township               |
| Highlands Borough          | Ocean Township                | West Long Branch Borough    |

**Fire Districts (Board of Fire Commissioners):**

|                                        |                                              |
|----------------------------------------|----------------------------------------------|
| Aberdeen Township Fire District No. 1  | Marlboro Township Fire District No. 1        |
| Aberdeen Township Fire District No. 2  | Marlboro Township Fire District No. 2        |
| Boggsstown Borough Fire District No. 1 | Marlboro Township Fire District No. 3        |
| Freehold Township Fire District No. 1  | Millstone Township Fire District No. 1       |
| Freehold Township Fire District No. 2  | Neptune Township Fire District No. 1         |
| Hazlet Township Fire District No. 1    | Neptune Township Fire District No. 2         |
| Howell Township Fire District No. 1    | Ocean Township Fire District No. 1           |
| Howell Township Fire District No. 2    | Ocean Township Fire District No. 2           |
| Howell Township Fire District No. 3    | Spring Lake Heights Boro Fire District No. 1 |
| Howell Township Fire District No. 4    | Tinton Falls Fire District No. 1             |
| Howell Township Fire District No. 5    | Tinton Falls Fire District No. 2             |
| Manalapan Township Fire District No. 1 | Wall Township Fire District No. 1            |
| Manalapan Township Fire District No. 2 | Wall Township Fire District No. 2            |
| Manasquan Boro Fire District No. 1     | Wall Township Fire District No. 3            |

## STOCKHOLDER DISCLOSURE CERTIFICATION

Name of Business:

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

OR

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

Check the box that represents the type of business organization:

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

Limited Liability Partnership

Subchapter S Corporation

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

Stockholders:

|               |               |
|---------------|---------------|
| Name:         | Name:         |
| Home Address: | Home Address: |
| Name:         | Name:         |
| Home Address: | Home Address: |
| Name:         | Name:         |
| Home Address: | Home Address: |

|                                                                 |                                       |
|-----------------------------------------------------------------|---------------------------------------|
| Subscribed and sworn before me this ___ day of _____, 2<br>___, | _____ (Affiant)                       |
| (Notary Public)                                                 | _____ (Print name & title of affiant) |
| My Commission expires:                                          | _____ (Corporate Seal)                |

# BOROUGH OF FAIR HAVEN

748 River Road  
Fair Haven, NJ 07704

Tel: (732) 747-0241  
Fax: (732) 747-6962



[www.fairhavennj.org](http://www.fairhavennj.org)

## Non-Fair and Open Contract Contribution Prohibition Language Political Contribution Disclosure

CONTRACTOR: \_\_\_\_\_

This contract has been awarded to the above contractor based on the merits and abilities of that contractor to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 *et seq.* As such, the undersigned does hereby attest that, the above contractor, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, C.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Borough of Fair Haven if a member of that political party is serving in an elective public office of the Borough of Fair Haven when in the contract is awarded, or so any candidates committee of any person serving in an elective public office of that Borough of Fair Haven when the contract is awarded.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

DETERMINATION OF VALUE FORM

I, \_\_\_\_\_, Director of \_\_\_\_\_ for the Borough of Fair Haven, hereby certify that the estimated value of the contract to be awarded exceeds \$17,500.

Contract For: \_\_\_\_\_

Contract to be Awarded to: \_\_\_\_\_

Contract Period: \_\_\_\_\_

Contract Amount: \_\_\_\_\_

Signature

Title

**EXHIBIT A**

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

**GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS**

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

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

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

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

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

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

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



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

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

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

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

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

**GOODS AND SERVICES CONTRACTS  
(INCLUDING PROFESSIONAL SERVICES)**

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

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

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

OR

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

OR

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

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

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

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

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

COMPANY: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

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

The contractor and the Borough of Fair Haven, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. *§121 01* et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

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

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

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

Name of Company: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_