



Request for Qualifications

General Counsel Legal Services

The Parking Authority of the City of Camden

New Jersey

Issued by:

Parking Authority of the City of Camden

10 Delaware Avenue

Camden, NJ 08102

Ms. Kathleen Mullins, Project Manager

Phone: 856-757-9300

Facsimile: 856-964-9317

Available: Monday, December 18, 2017 at 10:00 AM

Due: Wednesday, January 3, 2018 at 10:00 AM

Opening: Wednesday, January 3, 2018 at 2:30 PM

NOTE: The Parking Authority of the City of Camden will consider proposals only from firms or organizations that have demonstrated the capability and willingness to provide high quality services in the manner described in this Request for Qualifications.

Request for Qualifications

Legal Services – General Counsel

The Parking Authority of the City of Camden

Camden, New Jersey

Introduction

The Parking Authority of the City of Camden (PACC) is soliciting qualification proposals from legal firms to provide the PACC with Legal Services – General Counsel from **February 1, 2018 to January 31, 2019**.

Procedure

The Request for Qualifications (RFQ) package will be available for pick-up at no cost beginning 10:00 AM EST on **Monday, December 18, 2017**. The package may be picked up at the Administrative Office of the Waterfront Garage, which is located at 10 Delaware Avenue, Camden, New Jersey 08102. Written or faxed requests will not be honored. The RFQ will also be available on the PACC website at www.camdenparking.net on the date and time referenced herein.

Important Dates

The due date for interested firms to submit a technical qualification proposal is **Wednesday, January 3, 2018**.

Any questions should be submitted in writing to Kathleen Mullins. All questions shall be submitted by **Wednesday, December 27, 2017 at 10:00 AM**. Questions should be submitted in written form and faxed to 856-964-9317. Any questions submitted thereafter will be precluded from consideration.

GLOSSARY

The following definitions shall apply to and are used in this Request for Qualifications:

“Authority” – refers to the Parking Authority of the City of Camden.

“Qualifications Statement” – refers to the complete responses to this RFQ submitted by the Respondents.

“Qualified Respondent” – refers to those Respondents who (in the sole judgment of the Authority) have satisfied the qualification criteria set forth in this RFQ.

“RFQ” – refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

“Respondent” or “Respondents” – refers to the interested firm(s) that submit a Qualifications Statement.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

Section 1.1. Introduction and Purpose.

The Authority is soliciting Qualifications Statements from interested persons and/or firms for the provision of Legal Services – General Counsel for the period of February 1, 2018 to January 31, 2019, as more particularly described herein. Through a Request for Qualifications process described herein, persons and/or firms interested in assisting the Authority with the provision of such services must prepare and submit a Qualifications Statement in accordance with the procedure and schedule in this RFQ. The Authority will review Qualifications Statements only from those firms that submit a Qualifications Statement which includes all the information required to be included as described herein (in the sole judgment of the Authority). The Authority intends to qualify person(s) and/or firm(s) that (a) possess the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the Authority to provide the greatest benefit to the Parking Authority of the City of Camden.

Section 1.2. Procurement Process and Schedule.

The selection of Qualified Respondents is not subject to the bidding provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The selection is subject to the “New Jersey Local Unit Pay-to-Play” Law, N.J.S.A. 19:44A-20.4 et seq. However, the Authority has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Qualifications Statement in response to the RFQ Qualifications Statement which will be evaluated in accordance with the criteria set forth in Section 2 of this RFQ, which will be applied in the same manner to each Qualifications Statement received. Respondents agree to at all times abide by all requirements of New Jersey law, including, but not limited to the aforementioned “Pay to Play” laws, as well as any and all relevant Executive Orders and the New Jersey Election Law Enforcement Commissioner disclosure requirements.

Qualifications Statements will be reviewed and evaluated by the Authority and its selected consultants and/or advisors (collectively, the “Review Team”). The Qualifications Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas described in this RFQ. Under no circumstances will a member of the Review Team review responses to an RFQ for a job which they or their firm submitted a response. Based upon the totality of the information contained in the Qualifications Statement, including information about the reputation and experience of each Respondent, the Authority will (in its sole judgment) determine which Respondents are qualified (from professional, administrative and financial standpoints). Each Respondent that meets the requirements of the RFQ (in the sole judgment of the Authority) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Authority.

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Authority reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the Authority’s Designated Contact Person, in writing.

Designated Contact Person:

Ms. Kathleen Mullins, Project Manager
Parking Authority of the City of Camden
10 Delaware Ave.
Camden, NJ 08102-2404
KMullins@CamdenParking.net

Qualification Statements must be submitted to, and be received by the Authority, via mail or hand delivery by 10:00 AM. Prevailing Time on Wednesday, January 3, 2018. Qualification Statements will not be accepted by facsimile transmission or e-mail.

Subsequent to issuance of this RFQ, the Authority (through the issuance of addenda to all firms that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ in order to respond to inquiries received from prospective

Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the Authority.

TABLE 1
ANTICIPATED PROCUREMENT SCHEDULE

ACTIVITY	DATE
1. Issuance of Request for Qualifications	Monday, December 18, 2017
2. Receipt of Qualification Statements	Wednesday, January 3, 2018
3. Completion of Evaluation of Qualification Statements by the Review Team	Wednesday, January 17, 2018
4. Authority Review of Review Team Recommendations	Wednesday, January 3, 2018
5. Approval of Professional Services Resolutions by Parking Authority of the City of Camden Board of Commissioners	Monday, January 22, 2018

Section 1.3. Conditions Applicable to RFQ.

Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- This document is an RFQ and does not constitute an RFP.
- This RFQ does not commit the Authority to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- The Authority reserves the right (in its sole judgment) to reject for any reason any responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.

- The Authority reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ.
- The Authority reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.
- All Qualification Statements shall become the property of the Authority and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Authority (in the exercise of its sole discretion) in accordance with law.
- The Authority may request Respondents to send representatives to the Authority for interview.
- Any and all Qualifications Statements not received by the Authority by 10:00 AM Prevailing Time on **Wednesday, January 3, 2018** will be rejected.
- Neither the Authority, nor their respective staffs, consultants or advisors (including but not limited to the Review Team) shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualifications Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualifications Statement or for participating in this procurement process.

Section 1.4. Rights of Authority.

The Authority reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualifications Statement received complies or fails to comply with the terms of this RFQ.
- To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.

- To waive any technical non-conformance with the terms of this RFQ.
- To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.
- To conduct investigations of any or all of the Respondents, as the Authority deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
- To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion.) If terminated, the Authority may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The Authority shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

Section 1.5. Addenda or Amendments to RFQ.

During the period provided for the preparation of responses to the RFQ, the Authority may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Authority and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued prior to the proposal submission date.

Section 1.6. Cost of Proposal Preparation.

Each proposal and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the Authority, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

Section 1.7. Proposal Format.

Responses should cover all information requested in the Questions to be answered in this RFQ.

Responses which in the judgment of the Authority fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

SECTION 2

SCOPE OF SERVICES

It is the intent of the Authority to solicit Qualification Statements from Respondents that have expertise in the provision of Legal Services – to serve as General Counsel to the Authority and attend Monthly Board Meeting – 10 Hours per Month Retainer. Additional billable hours as requested by the Authority. Firms and/or persons responding to this RFQ shall be able to demonstrate that they will have the continuing capabilities to perform these services.

SECTION 3

SUBMISSION REQUIREMENTS

Section 3.1. General Requirements.

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

Section 3.2. Administrative Information Requirements.

The Respondent shall, as part of its Qualification Statement for Legal Services – General Counsel, provide the following information:

1. An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement.
2. An executed Letter of Qualification (See Appendix A to this RFQ).

3. Name, address and telephone number of the firm or firms submitting the Qualification Statement pursuant to this RFQ, and the name of the key contact person.
4. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and its organizational structure.
 - (a) Provide the names and business addresses of all Principals of the firm or firms submitting the Qualification Statement. For purposes of this RFQ, "Principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of ten percent (10%) or more in the firm.
 - (b) If a firm is a partially owned or fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.
 - (c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in above for each member of the partnership, joint venture or similar organization.
 - (d) A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
5. An executed Letter of Intent (See Appendix B).
6. The number of years your organization has been in business under the present name.
7. The number of years the business organization has been under the current management.
8. Any judgments, claims or suits within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.

9. Whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please explain.
10. Confirm appropriate federal and state licenses to perform activities. Submit a copy of the Firm's Business Registration Certificate.

Section 3.3. Professional Information Requirements.

Respondent shall submit a description of its overall experience in providing Legal Services – General Counsel sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:

1. Description and scope of work by Respondent
2. Name, address and contact information of references
3. Describe Legal Knowledge and Experience in the following areas:
 - (a) N.J.S.A. 40:11A et seq – Parking Authority Act
 - (b) N.J.S.A. 40:11A et seq – Public Contracts Law
 - (c) N.J.S.A. 47:1A-1 et seq – Open Public Records Act
 - (d) N.J.S.A. 20:3 et seq – Eminent Domain Act
 - (e) N.J.S.A. 39:4 et seq – General and Handicapped Parking Regulation Statutes
 - (f) Residential Permit Parking – Drafting of Program Rules and Regulations
 - (g) Drafting of Municipal Parking Regulation Ordinances
 - (h) Real Estate Acquisition, Sale and Leasing
 - (i) Drafting of Parking Lot Management and Operations Agreements
 - (j) Drafting of Retail and Commercial Leases
4. Describe the services that Respondent would perform directly.

5. Describe those portions of the Respondent's services, if any, that are sub-contracted out. Identify all subcontractors the Respondent anticipates using in connection with this project.
6. Does the Respondent normally employ union or non-union employees?
7. Resumes of key employees
8. A narrative statement of the Respondent's understanding of the Authority's needs and goals.
9. List all immediate relatives of Principal(s) of Respondent who are Authority employees or elected officials of the City of Camden. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.

SECTION 4

INSTRUCTIONS TO RESPONDENTS

Section 4.1. Submission of Qualification Statements.

Respondents must submit an original and four (4) copies of their Qualification Statement to the Designated Contact Person:

Ms. Kathleen Mullins, Project Manager
Parking Authority of the City of Camden
10 Delaware Ave.
Camden, NJ 08102-2404

Qualification Statements must be received by the Authority no later than 10:00 AM (prevailing time) on Wednesday, January 3, 2018 and must be mailed or hand-delivered. Qualification Statements forwarded by facsimile or e-mail will not be accepted.

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. Qualification

Statements and all related information must be bound, and signed and acknowledge by the Respondent.

SECTION 5

EVALUATION

The Authority's objective in soliciting Qualification Statements is to enable it to select a firm or organization that will provide high quality and cost effective Legal Services – General Counsel to the Parking Authority of the City of Camden. The Authority will consider Qualification Statements only from firms or organizations that, in the Authority's judgment, have demonstrated the capability and willingness to provide high quality services to the Parking Authority of the City of Camden in the manner described in this RFQ. Proposals will be evaluated by the Authority (Evaluation Team) on the basis of the most advantageous, all relevant factors considered.

Evaluation Criteria:

1. 20 Points: Experience and reputation in the legal field representing government entities, including state, county, municipal and/or independent authorities
2. 30 Points: Years of Experience representing Parking Entities, State, County and Municipal, including Authority, Utility, Divisions and/or Departments
3. 40 Points: Knowledge of the subject matter requested by the PACC in RFQ
4. 5 Points: Knowledge of the PACC and availability to accommodate the required meetings of the Authority; and
5. 5 Points: Retainer for ten (10) Hours of Legal Services per Month and Hourly Rate

Evaluation Methodology:

Item 1 Government Experience: 2 Points for every year of legal experience representing government state, county, municipal or authority clients.

Item 2 Parking Entity Experience: 2 Points for every year of legal experience representing parking related government state, county, municipal or authority clients.

Item 3 Parking Authority Knowledge: Up to 4 Points for knowledge and experience for each of the subject matter areas listed in Section 3.3 – Professional Information Requirements, Item 3 (a) through (j).

Item 4 Knowledge of Authority: Up to 5 Points for Knowledge of the PACC’s Operations and ability to accommodate Authority meeting schedule.

Item 5 **Fees for Services:** 5 Points for Lowest fee proposed for ten (10) Hours per Month Legal Retainer and Hourly Rate for Billable Legal Services. Next lowest proposal to be awarded 4 Points and each respondent thereafter awarded 1 Point less in ascending price order, until zero points are awarded.

APPENDIX A

LETTER OF QUALIFICATION

(Note: To be typed on Respondent’s Letterhead. No modifications may be made to this letter.)

[insert date]

Ms. Kathleen Mullins, Project Manager
Parking Authority of the City of Camden
10 Delaware Ave.
Camden, NJ 08102-2404

Dear Ms. Mullins:

The undersigned have reviewed our Qualifications Statement submitted in response to the Request for Qualifications (RFQ) issued by the Parking Authority of the City of Camden (“Authority”), dated Monday, December 18, 2017 in connection with the Authority’s need for Legal Services – General Counsel.

We affirm that the contents of our Qualifications Statement (which Qualifications Statement is incorporated herein by reference) are accurate, factual and complete to the best of our knowledge and belief and that the Qualifications Statement is submitted in good faith upon express understanding that any false statement may result in the disqualification of (Name of Respondent).

Our fixed Retainer Fee for ten (10) Hours of Legal Work per Month is: \$_____.

(Write Amount of Retainer in Words)_____.

Our Hourly Legal Fee is: \$_____.

(Write Hourly Legal Fee in Words)_____.

Dated: _____, 2018

(Typed Name and Title)

(Type Name of Firm)
(If a joint venture, appropriate officers of each company shall sign.)

APPENDIX B

LETTER OF INTENT

(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter.)

[insert date]

Ms. Kathleen Mullins, Project Manager
Parking Authority of the City of Camden
10 Delaware Ave.
Camden, NJ 08102-2404

Dear Ms. Kathleen Mullins:

The undersigned, as Respondent, has (have) submitted the attached Qualifications Statement in response to a Request for Qualifications (RFQ), issued by the Parking Authority of the City of Camden ("Authority"). Monday, December 18, 2017 in connection with the Authority's need for Legal Services – General Counsel.

(Name of Respondent) HEREBY STATES:

1. The Qualifications Statement contains accurate, factual and complete information.
2. (Name of Respondent) agrees (agree) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Authority's procurement schedule.
3. (Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualifications Statement and any proposal prepared and submitted in response to the RFQ, or any negotiation which results therefrom shall be borne exclusively by the Respondent.
4. (Name of Respondent) hereby declares (declare) that the only persons participating in this Qualifications Statement as Principals are named herein and that no person other than those herein mentioned has any participation in this Qualifications Statement or in any contract to be entered into with respect thereto. Additional persons

may subsequently be included as participating Principals, but only if acceptable to the Authority. (Name of Respondent) declares that this Qualifications Statement is made without connection with any other person, firm or parties who has submitted a Qualifications Statement, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.

5. (Name of Respondent) acknowledges and agrees that the Authority may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Authority shall have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.

6. (Name of Respondent) acknowledges that any contract executed with respect to the provision of Legal Services – General Counsel must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

Dated: _____, 2018

(Signature of Chief Executive Officer)

(Type Name and Title)

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Type Name of Firm)

APPENDIX C
DISCLOSURE STATEMENT
N.J.S.A. 40A:9-22.1 et seq.

(Must be completed for Response to be accepted.)

The attention of Respondents is drawn to the provision of the Local Government Ethics Law (N.J.S.A. 40A:9-22.1 et seq.) which prohibits a Municipal Officer or employee or member of his/her immediate family from having an interest in a business organization or engaging in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.

In furtherance thereof, every Respondent must disclose below, being a Parking Authority Officer or City of Camden Employee or whether an immediate family member is a Parking Authority Officer or employee. If the Respondent is a business organization, then disclosure shall be made with respect to anyone having an interest in the business and their immediate family members.

Please answer the following:

Is the Respondent, or a member of the Respondent's immediate family, or anyone having an interest in the Respondent's business organization including their immediate family members, an officer or employee of Parking Authority or the City of Camden.

NO _____ YES _____

If yes, provide the name of the individual and identify the position held, below, and notify, in writing,

Kathleen Mullins, Project Manager
Parking Authority of the City of Camden
10 Delaware Avenue
Camden, New Jersey 08102

(Note: All terms used herein are to be construed in accordance with their meaning under the local Government Ethics Law cited above.)

Name of Respondent: _____

Authorized Signature: _____

Title:

_____ Date: _____

APPENDIX D
STATEMENT OF OWNERSHIP
N.J.S.A. 52:25-24.2

(Must be completed for Response to RFQ to be accepted.)

P.L. 1977, C. 33, 1, N.J.S.A. 52:25-24.2, became effective on March 8, 1977. It requires corporate and partnership Respondents for contracts with the Parking Authority to submit a statement setting forth the following:

1. The names and addresses of all stockholders of a corporate Respondent who own ten percent (10%) or more of its stock.
2. The names and addresses of all partners of a partnership Respondent who own ten percent (10%) or more of its partnership interests.
3. If one or more such stockholders or partners is itself a corporation or partnership, the names and addresses of all stockholders holding ten percent (10%) or more of that latter corporation's stock, or the names and addresses of all partners holding a ten percent (10%) or more interest in latter partnership.

In addition, the Parking Authority, in the event that a Respondent is a limited liability company, requires that the Respondent must submit a statement setting forth the following: (i) the names and addresses of all members owning a ten percent (10%) or greater interest therein and, if any member of the limited liability company is a corporation or a partnership or a limited liability company, (ii) the company is a corporation or a partnership or a limited liability company, (iii) the names and addresses of the stockholders or partners or members holding a ten percent (10%) or greater interest in such corporation, partnership or limited liability company.

The statement of such names and addresses must be submitted to accompany the Response.

No Respondent
will be qualified if there is a failure to comply with the requirements set forth above.

LIST HERE (OR ATTACH) THE NAMES AND ADDRESSES REQUIRED, AS DISCUSSED ABOVE.

EXHIBIT 1

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 Division 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 Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

Exhibit 2

NON-COLLUSION AFFIDAVIT

State of New Jersey

County of _____

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

in the County of _____ and State of _____, of full age,

being duly sworn according to law on my oath depose and say that:

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

_____ the bidder making this Proposal for the bid entitled _____, and that I executed the said Proposal with

(title of bid proposal)

full authority to do so that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the

_____ relies upon the truth of the statements contained in _____
(name of contracting unit)

said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

_____.

Subscribed and sworn to

Before me this _____ day

Of _____, 20_____

Notary Public of

My Commission expires _____

(Seal)

Signature

(Type or print name of affiant under signature)