

**TOWNSHIP OF EDGEWATER PARK
400 DELANCO ROAD
EDGEWATER PARK, NJ 08010**

PROFESSIONAL SERVICES

This is a combined Requirement to Qualify (RFQ) and Request for Proposal (RFP) form. This form will be used by the Edgewater Park Township Committee as a basis for making professional service appointments.

Requests for these forms should be made to the Township Clerk/Administrator, Linda Dougherty, 400 Delanco Road, Edgewater Park, NJ, 08010, telephone number 609-877-2050.

THIS PROPOSAL IS BEING SOLICITED THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A.19:44A-20.5 et seq.

REQUESTS FOR QUALIFICATIONS / PROPOSALS

TOWNSHIP OF EDGEWATER PARK

Purpose & Scope:

The following general requirements must be met in order for any firm to be considered to provide professional or other services, exempt from public bidding pursuant to N.J.S.A. 40A:11-5, and covered by N.J.S.A. 19:44A-20.5 *et seq.*, with the Township. The process is designed to find qualified service providers in an open and fair manner in order to have the most qualified service provider for the Township. The scope of this policy covers any persons or firms interested in providing professional or other exempt services, as defined in the New Jersey Local Public Contracts Law and specifically N.J.S.A. 40A:11-2 and 5, to the Township of Edgewater Park.

General Requirements:

1. The Request for Qualifications (“RFQ”) shall be used to determine what companies, firms, or individuals offer the municipality the best opportunity to secure the highest quality professional or other exempt services.
2. The Request for Proposals (“RFP”) shall be used to determine whether the costs or fees proposed to provide the services are fair and reasonable, both in terms of the Township’s budgetary interests, the general market rates for the services, and the level of experience, breadth of services, reputation, and expertise of the candidate.
3. Knowledge of the Township of Edgewater Park, its physical layout and Township Committee form of government.
4. Availability (proximity) to accommodate any required meetings of the agency, and availability (proximity) to handle emergencies.
5. The Township reserves the right to conduct an interview or interviews with the prospective

professional to discuss the scope of the project, as outlined in their proposal.

6. Advertising of the RFQ/RFP, at a minimum, includes posting on the Township website and Township official bulletin board, and filed with the Municipal Clerk at least ten (10) days prior to the submission deadline.
7. The RFQ shall list the minimum requirements of the service being sought. Where the Request for Qualifications lists separate experience requirements for firms and for individuals appointed, candidates in solo practice shall meet the experience requirements for a firm.
8. Candidates shall include with the submission a copy of their Business Registration in accordance with N.J.S.A. 40A:11-23.2 (P.L. 2004, c.57), and an Affirmative Action Statement in accordance N.J.S.A. 10:5-3 1 et seq. and N.J.A.C. 17:27 et seq.
9. Submissions will be required within ten (10) days of the posting of the RFQ. Candidate(s) selected shall be notified within twenty (20) days of the date of advertisement.
10. Acceptance of a contract will be by Resolution acted on by the Township Committee at a Township meeting for contracts with a value of over \$17,500.
11. All RFQ's/RFP's will be delivered by mail or in person to applicants by the Township Clerk and returned to the Clerk in sealed envelopes.

Requirements to Qualify / Proposal

The requirements listed below are the minimum levels expected from the professional indicated.

For Township Attorney

The Township Attorney shall be either (a) a member of or employed by a multi-discipline firm of New Jersey licensed attorneys with at least eight (8) years experience, or (b) shall personally have at least five (5) years experience, representing municipalities in all aspects of municipal law including but not limited to general municipal government law; tort claims act, municipal litigation and appeals; Fair Housing Act, COAH, and affordable housing issues; NJ employment and personnel law; tax appeal experience, eminent domain and redevelopment issues; municipal finance; redevelopment and real estate issues; election law; OPRA, OPMA, municipal land use law including state regulations affecting the same; municipal utilities law; Green Acres and open space law; NJDEP, legislation, and regulations; and familiarity with Titles 40 & 40A of the New Jersey Statutes. The individual(s) appointed as Township Attorney or primarily assigned by a firm must be a New Jersey licensed attorney, admitted to the bar for at least eight (8) years and have five (5) years prior experience as Township Attorney. The Township Attorney may, in his/her discretion be assisted by employees of the Attorney's firm with lesser levels of experience.

Please explain how you or your firm meets the minimum requirements. (Attach additional sheets, if necessary.)

Completed Form Received by Township on: _____

Meets Minimum Qualifications

Does Not Meet Minimum Qualifications

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Township Attorney based upon the following compensation:

[Please outline your fees proposed, fee schedule (including attendance at regular monthly or special meetings), or other basis for compensation that you seek. Please, where applicable, indicated hourly rates, monthly or other retainers, per project fees, or such other manner of compensation you deem appropriate to the services to be provided.]

Requirements to Qualify / Proposal

The requirements listed below are the minimum levels expected from the professional indicated.

For Township Special Counsel/Bond Attorney

The Township Special Counsel/Bond Attorney shall be either (a) a member of or employed by a multi-discipline firm of New Jersey licensed attorneys with at least eight (8) years experience, or (b) shall personally have at least five (5) years experience, representing municipalities in all aspects of municipal law including but not limited to general municipal government law; tort claims act, municipal litigation and appeals; Fair Housing Act, COAH, and affordable housing issues; NJ employment and personnel law; tax appeal experience, eminent domain and redevelopment issues; municipal finance; redevelopment and real estate issues; election law; OPRA, OPMA, municipal land use law including state regulations affecting the same; municipal utilities law; Green Acres and open space law; NJDEP, legislation, and regulations; and familiarity with Titles 40 & 40A of the New Jersey Statutes. The Township Special Counsel/Bond Attorney shall have personally five (5) years experience as a municipal bond counsel with experience in bond law, arbitrage rules, and experience with municipal bond rating organizations. The Township Special Counsel/Bond Attorney may, in his/her discretion be assisted by employees of the Attorney's firm with lesser levels of experience.

Please explain how you or your firm meets the minimum requirements. (Attach additional sheets, if necessary.)

Completed Form Received by Township on: _____

Meets Minimum Qualifications

Does Not Meet Minimum Qualifications

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Township Special Counsel/Bond Attorney based upon the following compensation:

[Please outline your fees proposed, fee schedule (including attendance at regular monthly or special meetings), or other basis for compensation that you seek. Please, where applicable, indicated hourly rates, monthly or other retainers, per project fees, or such other manner of compensation you deem appropriate to the services to be provided.]

Requirements to Qualify / Proposal

The requirements listed below are the minimum levels expected from the professional indicated.

For Township Planning Consultant (COAH)

The Township Planning Consultant shall be either a member of or employed by a firm of a Professional Planner Licensed in the State of New Jersey with at least eight (8) years experience in municipal planning and administering of requirements of the NJ Council on Affordable Housing (COAH), annual development fee monitoring reports, provisions of professional planning services to assist the Township in addressing COAH's Third Round Rules and Methodology and Procedures, and other matters that lie within the professional expertise of the Planning Consultant as directed by the Township. The individual assigned shall have at least five (5) years experience as in municipal planning and administering of requirements of the NJ Council on Affordable Housing (COAH), annual development fee monitoring reports, provisions of professional planning services to assist the Township in addressing COAH's Third Round Rules and Methodology and Procedures. The Planning Consultant may, in his/her discretion be assisted by employees of the Consultant's firm with lesser levels of experience.

Please explain how you or your firm meets the minimum requirements. (Attach additional sheets, if necessary.)

Completed Form Received by Township on: _____

____ Meets Minimum Qualifications

____ Does Not Meet Minimum Qualifications

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Township Planning Consultant based upon the following compensation:

[Please outline your fees proposed, fee schedule, or other basis for compensation that you seek. Please, where applicable, indicated hourly rates, monthly or other retainers, per project fees, or such other manner of compensation you deem appropriate to the services to be provided.]

Requirements to Qualify / Proposal

The requirements listed below are the minimum levels expected from the professional indicated.

For Township Engineer

The Township Engineer shall be either a member of or employed by a firm of New Jersey licensed engineers and shall have all applicable licenses to perform general engineering in NJ. His firm must be multi-disciplined with at least eight (8) years experience in all aspects of municipal engineering including but not limited to expertise in road construction, construction management, water & sewer plant construction with engineers who hold licenses in these areas, land use law experience, planners & landscape engineers on staff, experience in environmental studies assessments (wetlands, archaeological, endangered species, hydrologic studies, storm water management), GIS, materials testing, surveying, traffic studies, drainage, and extensive knowledge NJDEP rules and regulations. The engineering firm shall also have at least an individual who has experience as a Planning Board Planner with at least five (5) years of experience in all aspects of municipal planning including extensive work with and knowledge of the MLUL, COAH, and consulting with respect to, drafting, and revising Master Plans. The individual appointed or assigned by a Firm shall have been licensed as an engineer for a minimum of five (5) years and have five (5) years prior experience as a Municipal Engineer. The appointed engineer may, in his/her discretion be assisted by employees of his firm with a lesser levels of experience.

Please explain how you or your firm meets the minimum requirements. (Attach additional sheets, if necessary.)

Received by Township on _____

Meets Minimum Qualifications

Does Not Meet Minimum Qualifications

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Township Engineer based upon the following compensation:

[Please outline your fees proposed, fee schedule (including attendance at regular monthly or special meetings), or other basis for compensation that you seek. Please, where applicable, indicated hourly rates, monthly or other retainers, per project fees, or such other manner of compensation you deem appropriate to the services to be provided.]

Requirements to Qualify / Proposal

The requirements listed below are the minimum levels expected from the professional indicated.

For Township Special Projects Engineer

The Township Special Projects Engineer shall be either a member of or employed by a firm of New Jersey licensed engineers and shall have all applicable licenses to perform general engineering in NJ. His firm must be multi-disciplined with at least eight (8) years experience in all aspects of municipal engineering including but not limited to expertise in road construction, construction management, water & sewer plant construction with engineers who hold licenses in these areas, land use law experience, planners & landscape engineers on staff, experience in environmental studies assessments (wetlands, archaeological, endangered species, hydrologic studies, storm water management), GIS, materials testing, surveying, traffic studies, drainage, and extensive knowledge NJDEP rules and regulations. The individual appointed or assigned by a Firm shall have been licensed as an engineer for a minimum of five (5) years and have five (5) years prior experience as a Municipal Engineer. The appointed engineer may, in his/her discretion be assisted by employees of his firm with a lesser levels of experience.

Please explain how you or your firm meets the minimum requirements. (Attach additional sheets, if necessary.)

Received by Township on _____

Meets Minimum Qualifications

Does Not Meet Minimum Qualifications

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Township Special Projects Engineer based upon the following compensation:

[Please outline your fees proposed, fee schedule (including attendance at regular monthly or special meetings), or other basis for compensation that you seek. Please, where applicable, indicated hourly rates, monthly or other retainers, per project fees, or such other manner of compensation you deem appropriate to the services to be provided.]

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Township Auditor based upon the following compensation:

[Please outline your fees proposed, fee schedule (including attendance at regular monthly or special meetings), or other basis for compensation that you seek. Please, where applicable, indicated hourly rates, monthly or other retainers, per project fees, or such other manner of compensation you deem appropriate to the services to be provided.]

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Township Risk Management Consultant based upon the following compensation:

[Please outline your fees proposed, fee schedule or other basis for compensation that you seek. Please, where applicable, indicated hourly rates, monthly or other retainers, per project fees, or such other manner of compensation you deem appropriate to the services to be provided.]

Requirements to Qualify

The requirements listed below are the minimum levels expected from the professional indicated

For Planning Board Attorney

The Planning Board attorney shall be either (a) a member of or employed by a firm of attorneys or (b) an individual attorney, with at least seven (7) years experience as a joint land use board attorney, planning board attorney, or zoning board attorney, or shall have appeared on behalf of applicants before such boards regularly for at least seven (7) years, with experience in the all aspects of planning, zoning, and municipal land use law. Extensive work and knowledge of the MLUL, experience in devising Master Plans, and some COAH experience is required. The individual attorney shall have at least five (5) years experience as a municipal, planning, or zoning board attorney or shall demonstrate five (5) years of experience in a practice devoted significantly to zoning, planning, and development law in New Jersey. The Planning Board Attorney may, in his/her discretion be assisted by employees of the Attorney's firm with lesser levels of experience.

Please explain how you or your firm meets the minimum requirements. (Attach additional sheets if necessary.)

Received by Township on _____

___ Meets Minimum Qualifications

___ Does Not Meet Minimum Qualifications

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Township Planning Board Attorney based upon the following compensation:

[Please outline your fees proposed, fee schedule (including attendance at regular monthly or special meetings), or other basis for compensation that you seek. Please, where applicable, indicated hourly rates, monthly or other retainers, per project fees, or such other manner of compensation you deem appropriate to the services to be provided.]

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Township Planning Board Engineer based upon the following compensation:

[Please outline your fees proposed, fee schedule (including attendance at regular monthly or special meetings), or other basis for compensation that you seek. Please, where applicable, indicated hourly rates, monthly or other retainers, per project fees, or such other manner of compensation you deem appropriate to the services to be provided.]

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Planning Board Special Engineer based upon the following compensation:

[Please outline your fees proposed, fee schedule (including attendance at regular monthly or special meetings) or other basis for compensation that you seek. Please, where applicable, indicated hourly rates, monthly or other retainers, per project fees, or such other manner of compensation you deem appropriate to the services to be provided.]

Requirements to Qualify / Proposal

Requirements to Qualify

The requirements listed below are the minimum levels expected from the professional indicated.

For Township Planning Board Planner

The Township Planner shall be either a member of or employed by a firm of New Jersey licensed planners and shall have all applicable licenses to perform planning services in NJ. The firm must be multi-disciplined with at least eight (8) years experience as a municipal planning and zoning board planner in all aspects of municipal land use law, including but not limited to Master Plans, zoning ordinance preparation, landscaping, storm and sanitary sewers, and related issues. The individual assigned shall have at least five (5) years experience as a planner to a planning and/or zoning board. The Planning Board Planner may, in his/her discretion be assisted by employees of the Engineer's firm with lesser levels of experience.

The individual assigned shall meet the following requirements

1. Licensed Professional Planner in the State of New Jersey
2. Member of American Institute of Certified Planners
3. Minimum five (5) years or more experience in providing professional planning services to municipalities in the following areas:
 - a. Prepared Master Plans
 - b. Prepared Zoning Ordinances
 - c. Prepared housing plan element and fair share plan
 - d. Prepared redevelopment investigations and plans
 - e. Conducted reviews of development applications, including the preparation of planning reports and participated in the Board approval process
 - f. Worked with various State, County and local regulatory agencies
4. Demonstrate experience in working with municipalities similar in size and population to the Township of Edgewater Park and have similar planning issues
5. Provide a list of past and present municipalities and/or planning boards and zoning boards served by consultant, including a list of references and contact information
6. Provide a detailed description of the company's qualifications and experience, including a copy of planning document the exemplifies the company's work
7. Provide resumes of personnel assigned to work with the Township of Edgewater Park
8. Provide consultant fees (hourly rate) by personnel assigned to the Township of Edgewater Park

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to serve as Township Planning Board Planner based upon the following compensation:

[Please outline your fees proposed, fee schedule (including attendance at regular monthly or special meetings), or other basis for compensation that you seek. Please, where applicable, indicated hourly rates, monthly or other retainers, per project fees, or such other manner of compensation you deem appropriate to the services to be provided.]

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Township Public Defender based upon the following compensation:

[Please outline your fees proposed, fee schedule, or other basis for compensation that you seek. Please, where applicable, indicate hourly rates, per diem rates, monthly or other retainers, or such other manner of compensation you deem appropriate to the services to be provided.]

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Township Prosecutor based upon the following compensation:

[Please outline your fees proposed, fee schedule, or other basis for compensation that you seek. Please, where applicable, indicate hourly rates, per diem rates, monthly or other retainers, or such other manner of compensation you deem appropriate to the services to be provided.]

PROPOSAL

The undersigned individual, firm, or corporation, hereby proposes to server as Medical Officer based upon the following compensation:

[Please outline your fees proposed, fee schedule, or other basis for compensation that you seek. Please, where applicable, indicate hourly rates, per diem rates, monthly or other retainers, or such other manner of compensation you deem appropriate to the services to be provided.]

Request for Qualifications / Proposal for Professional or other Exempt Services - Policy Statement

Purpose:

The following procedures are designed to provide for a fair and open process in awarding professional or other services, exempt from public bidding under N.J.S.A. 40A:11-5, based on qualifications, merit and cost effectiveness through a competitive and open process.

Scope:

Any persons or firms interested in providing professional or other services exempt from public bidding to the Township of Edgewater Park as defined in the New Jersey Statutes, N.J.S.A. 40A:11-5.

General Requirements:

1. Once a need is established for exempt services and after a review of the necessary request for qualifications, a Request for Qualifications / Proposals (RFQ/RFP) for the specific service or contract will be prepared and advertised.
2. Advertising of the RFQ/RFP shall, at a minimum, include the Township website and any other sources deemed appropriate by the Township for the specific professional service at least ten (10) days before the submission deadline. It shall also be posted on the official bulletin board, and filed with the Municipal Clerk at least ten (10) days prior to the submission deadline.
3. The advertisement will include a summary of the specific service or activity and who to contact in the Township to receive a copy of the RFQ/RFP requirements to qualify and proposal form.
4. The RFQ/RFP advertisement will, at a minimum, include:
 - A. A description of the professional service needed, including the scope of activities involved.
 - B. Contact information to obtain the RFQ/RFP forms.
 - C. Submission Deadline, including date and time.
 - D. Submission Location shall be to the Office of the Township Clerk.
 - E. Submissions shall be in a sealed envelope; minimum of eight copies submitted.
5. All parties meeting the minimum requirements of the RFQ/RFP shall have their proposals reviewed by the RFP review committee. The proposal shall include specific information regarding the person proposed for the professional appointment, billing method and rate information, and any other information which the Township may deem relevant and helpful in making its selection and requests in writing.

6. The RFP review committee appointed by the Township Committee shall review all qualifying RFPs giving due regard to the criteria set forth in paragraph nine, below. The review committee shall make a non-binding recommendation to the board or body with appointing authority of the professional to be awarded the contract. Actual contract awards shall be by the governing body. The review committee prior to making its recommendation may, in its discretion, elect to interview candidates to better determine their ability to meet the selection criteria and discuss their qualifications and scope of the work to be performed.
7. All submissions shall be kept on file during the term of the contract.
8. All submissions shall be a public record as of the date of advertising.
9. The Township shall award all exempt service contracts or agreements based on qualification, merit, experience, quality of work product, and cost competitiveness. Selection criteria will include:
 - A. Names and titles of the individuals who will perform the service and/or activity.
 - B. A description of the individuals or firms experience with similar services or projects to requested and the breadth of services offered.
 - C. A list of references and record of success.
 - D. A description of the individual or firms ability to provide the service or complete the activity in a timely fashion or as required by the Township.
 - E. A fee schedule for the firm, fee schedule for representative attendance at Township Committee or Planning Board regular and special meetings, including any retainer if applicable.
 - F. All respondents shall comply with Business Registration Act (P.L. 2004,c.57), and proof of their registration with the New Jersey Department of The Treasury, Division of Revenue, shall be submitted.
 - G. All respondents are placed on notice that they are to comply with all requirements of P.L. 1975, c.127 (N.J.S.A.10:5-31 through 10:5-38), and all duly adopted Affirmative Action Regulations (N.J.A.C. 17:27).
 - H. Proof of Malpractice Insurance, Copy of Certificate of Insurance.
 - I. Vendor Information: Addendum to Contract
10. In the event that compliance with part or all of the requirements of the RFQ/RFP is impracticable or undesirable with regards to a particular contract, the Township Committee may waive part or all of the requirements as to all candidates by a majority vote of the full Township Committee. The waiver shall set forth specifically the reasons for such waiver.
11. All awards or waivers will be by resolution acted on by the Township Committee at a public session of the governing body convened in accordance with the Open Public Meetings Act.
12. All awards are subject to availability of funds.

13. This policy will include, but not be limited to, all of the listed requirements. The Township reserves the right to amend or revise its review standards. In the event of such revision or review, all candidates shall be given not less than ten (10) days notice of the additional or revised standard(s) and an additional ten (10) days to demonstrate their compliance with the additional or revised standard.
14. This policy will include, but is not limited to, the following professional appointments provided that the anticipated annual contract value is greater than Seventeen Thousand Five Hundred Dollars (\$17,500.00):

- Township Attorney
- Township Special Counsel/Bond Attorney
- Township Planning Consultant (COAH)
- Township Engineer
- Township Special Engineer
- Township Auditor
- Township Risk Management Consultant
- Planning Board Attorney
- Planning Board Engineer
- Planning Board Special Engineer
- Planning Board Planner
- Township Prosecutor
- Township Public Defender
- Medical Services

Request for Qualifications / Proposals for Professional Services

The Township of Edgewater Park is seeking qualified proposals for professional services for the following positions: Township Attorney, Township Special Counsel/Bond Attorney, Township Planning Consultant (COAH), Planning Board Attorney, Planning Board Planner, Municipal Public Defender, Municipal Prosecutor, Township Engineer, Township Special Engineer, Planning Board Planner, Township Risk Management Consultant, Planning Board Engineer, Planning Board Special Engineer, Township Auditor, Medical Officer.

Where to obtain minimum qualifications and proposal forms, submission deadline, submission deadline and form of submission are indicated below.

Where to obtain RFQ/RFP: **Township of Edgewater Park, Township Clerk, 400 Delanco Road, Edgewater Park, NJ 08010**

Submission Deadline: December 7, 2007

Submission Location: **Township of Edgewater Park, Township Clerk, 400 Delanco Road, Edgewater Park, NJ 08010**

Form of Submission: All submissions shall be in sealed envelope with "Submission of Qualifications / Proposal for [Name of Position]" marked on the outside. Minimum of **eight copies** must be submitted.

Return in sealed envelope to: Linda Dougherty, Township Clerk/Administrator, Township of Edgewater Park, 400 Delanco Road, Edgewater Park, NJ, 08010, NO LATER THAN DECEMBER 7, 2007, at 12:00 p.m., at which time they will be opened and read in the Conference/Meeting Room.

**Township of Edgewater Park
Vendor Information
Addendum to Contract**

The following information shall be included and made part of the contractual agreement.

A.

NAME	PHONE NUMBER
ADDRESS	Fax Number

1. TAX ID NO.: _____
2. SS NO.: _____
3. ARE YOU A STATE CONTRACT VENDOR: _____
4. IF YES, STATE CONTRACT NO.: _____
5. ARE YOU INCORPORATED: _____

- B. A copy of your Certificate of Insurance.
- C. A copy of your New Jersey Business Registration Certificate
- D. The maximum compensation to be paid hereunder shall not exceed the total of the appropriation for these services as set forth by adopted budget, ordinances or other appropriations or funding adopting or approved by Township Committee without further written authorization by the Township Committee for the professional/contractor to continue to perform duties which will incur billings in excess of such sum.
- E. This Contract is subject to the provisions of the “Local Public Contracts Law”, “Related Procurement Laws”, and “Truth in Contracting”, P.L. 1999,c.440, and the Contractor/Services Provider agrees to abide by such terms and provisions.
- F. Mandatory Affirmative Action Language (EXHIBIT A)
- G. Mandatory Americans with Disability Act, Equal Opportunity for Individuals with Disabilities (EXHIBIT B)
- H. C. 271 Political Contribution Disclosure Form
- I. Business Entity Disclosure Certification

Witness

Contractor/ Professional Service Provider

Date

EXHIBIT A

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27**

GOODS, PROFESSIONAL SERVICES 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 or sex. Except with respect to affectional or sexual orientation, 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 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 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 the regulations promulgated by the Treasurer pursuant to **N.J.S.A. 10:531 et seq.** as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to attempt in good faith to employ minority and female 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 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 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 and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division 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 N.J.A.C. 17:27.**

Print Name of Company/Firm

Date

Print Name

Signature

**LOCAL PUBLIC CONTRACTS LAW
EXHIBIT B**

**MANDATORY AMERICANS WITH DISABILITIES ACT
EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES**

The Contractor and the municipality do hereby agree that the provisions of **Title II of the Americans with DISABILITES ACT OF 1990 (the “Act”) (42 U.S.C. 12101 et seq.)** which prohibits discrimination on the basis of disability by public entities in all service, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereunto, are made a part of this contract. In providing any aid, benefit or services on behalf of the Municipality 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 Municipality in any action or administration proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the Municipality, its agents, servants, and employees from and against any 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 administration proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the Municipality grievance procedure, the contractor agrees to abide by any decision of the Municipality which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Municipality or the Municipality 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 Municipality shall, as soon as practicable after a claim has been made against it, give written notice thereof the contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the Municipality or any of its agents, servants and employees, the Municipality shall expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading or other process received by the Municipality or its representatives.

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

It is further agreed and understood that the Municipality assumes no obligation to indemnify or save harmless the contractors, 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’s from any liability, nor preclude the Municipality from taking any other actions available to it under any provisions of this Agreement or otherwise at law.

Print Name of Company/Firm

Print Name

Date

Signature

