Ramapo College of New Jersey

RFP

Terms and Conditions
Ramapo College of New Jersey Goods & Services Request for Proposal
Standard Attachments Table of Contents

The following documents are attached and made part of every Goods and Services Advertised Request for Proposal issued by Ramapo College of New Jersey.

1. Ramapo College of New Jersey Terms and Conditions, dated 05/01/10
2. Provision for Appeal, dated 10/13/08
3. Ownership Disclosure Form (State of New Jersey form PB-ODF.1 R12/8/09)
4. Non-Collusion Affidavit, dated 05/05/11
5. Conflict of Interest, dated 11/06/08 and Executive Orders 34 (1976) and 189 (1988)
6. Business Registration Certificate
7. The Public Works Contractor Registration Act, dated 11/07/2008
8. MacBride Principles (State of New Jersey)
9. Affirmative Action Supplement (State of New Jersey)
10. Instructions for Completing Affirmative Action Employee Information Report (State of New Jersey form AA302)
11. Affirmative Action Employee Information Report (State of New Jersey Form AA302)
12. Two Year Chapter 51 / Executive Order 117 Vendor Certification and Disclosure of Political Contributions. (Formally Executive Order No. 134) (Political Contributions) (State of New Jersey CH51.1 R1/21/2009)
13. Information & Instructions for Completing The “Two-Year Vendor Certification and Disclosure of Political Contributions” Forms. (State of New Jersey DPP c51 – C&D, Rev. 11-17-2008)
14. Executive Order No. 84 (1993) (Set-Aside)
15. Executive Order No. 151 (08/28/09) Appendix C & D (Sub-Contractor Reporting SMWBE)
Ramapo College of New Jersey
TERMS AND CONDITIONS

The following terms and conditions apply to all contract or purchase agreements made with the RCNJ unless specifically deleted on the College proposal form. Vendors submitting offers to the College must cross out any paragraph they do not agree to meet. Any cross-out or change in the College terms and conditions will be a factor in the determination of an award of a contract or purchase agreement.

Bidders are notified by this statement that all terms and conditions will become part of any contract(s) awarded as a request for proposal whether stated in part in summary or by reference. In the event a vendor’s terms and conditions conflict with the College the College terms and conditions shall prevail.

1. STATE LAW REQUIRING MANDATORY COMPLIANCE BY ALL VENDORS
   1.1 CORPORATE AUTHORITY – It is required that all corporations be authorized to do business in the State of New Jersey. Corporations incorporated out of the State must file a Certificate of Authority with the Secretary of State, Department of State, State House, Trenton, New Jersey. Refer to NJSA Title 14A chapter 13-3.
   1.2 ANTI DISCRIMINATION – All parties to any contract with the RCNJ agree not to discriminate in employment and agree to abide by all anti-discrimination laws including those contained within NJSA 10:2-1 through 10:2-4, NJSA 10:5-31 through 10:5-38, and all rules and regulations issued thereof.
   1.3 PREVAILING WAGE ACT – The New Jersey Prevailing Wage Act PL 1963. Chapter 150 is hereby made a part of every contract entered into on behalf of RCNJ except those contracts which are not within the contemplation of the Act. The bidder’s signature on this proposal is his guarantee that neither he nor any subcontractors he might employ to perform the work covered by this proposal are listed or are on record in the Office of the Commissioner of the Department of Labor and Industry as one who has failed to pay prevailing wages in accordance with the provisions of this Act.
   1.4 THE WORKER AND COMMUNITY RIGHT TO KNOW ACT – (PL 1983. C. 315: NJSA 34:5A-1 at seq.) requires employers to label all containers of hazardous substances by March 1, 1985. Under the terms of the Act the College is considered employer, therefore, all goods offered for purchase to the College must be labeled in compliance with the provisions of the Act.
   1.5 COMPLIANCE STATE LAWS – It is agreed and understood that any contracts and/or orders placed as a result of this proposal shall be governed and construed and the rights and obligations of the parties hereto shall be determined in accordance with the laws of the State of New Jersey.
   1.6 Ownership Disclosure – Contracts for any work, goods or services cannot be awarded to any firm unless prior to or at the time of bid submission to any firm unless prior to or at the time of bid submission the firm has disclosed the names and addresses of all it owners holding 10% or more of the firm’s stock or interests. Refer to NJPL 1977 chapter 33.
   1.7 Compliance Laws – The vendor must comply with all local, state and federal laws, rules and regulations applicable to this contract and to the work to be done hereunder.

2. LIABILITIES
   2.1 Liability Copyright – The Contractor shall hold and save RCNJ, its officers, agents, servants and employees, harmless from liability of any nature or kind for or on account of the use of any copyrighted, uncopyrighted composition, secret process, patented or unpatented invention, article or appliance furnished or used in the performance of his contract.
   2.2 Indemnification - The Contractor shall assume all risk of and responsibility for, and agrees to indemnify, defend, and save harmless the RCNJ and its employees from and against any and all claims, demands, suits, actions, recoveries, judgement and costs and expenses in connection therewith on account of the loss of life, property or injury or damage to the person, body or property of any person or persons whatsoever, which shall arise from or result directly or indirectly from the work and/or materials supplied under this contract. This indemnification obligation is not limited by, but is in addition to the insurance obligations contained in this agreement.
   2.3 Insurance - The successful bidder shall secure and maintain in force for the term of the contract liability insurance as provided herein. The successful bidder shall provide RCNJ with current certificates of insurance for all coverage and renewals thereof which must contain the provision that the insurance provided in the certificate shall not be canceled for any reason except after thirty days written notice to the RCNJ, Purchasing Office. The contractor shall assume all responsibility for his actions and those of anyone else working for him while engaged in any activity connected with this contract. The contractor shall carry sufficient insurance to protect him and to indemnify the College from any and all occurrences of property damage or bodily injury which arise out of the work performed. The contractor’s insurance must be a class “A” rated company. All liability policies shall provide “occurrence” type of coverage. Evidence of current insurance coverage shall be submitted to the College no later than ten (10) days after receipt of notice of intent to award this contract. The certificate shall name RCNJ as an additional insured. SPECIAL NOTE: No contract will be awarded to the successful bidder until such time as bidder has supplied RCNJ with a certificate of insurance verifying the following required coverage. The successful bidder is not authorized to begin service until the College is in receipt of said certificate. The insurance to be provided by the contractor shall be as follows:
   (a) General liability policy as broad as the standard coverage forms currently in use in the State of New Jersey which shall not be circumscribed by any endorsements limiting the breadth of coverage. The policy shall be endorsed to include:
      1. Broad Form Comprehensive General Liability
      2. Products/Completed Operations
      3. Premises/Operations
      The limits of liability for bodily injury and property damage shall not be less than $1 million per occurrence as a combined limit.
   (b) Automobile Liability insurance which shall be written to cover any automobile used by the insured. Limits of liability for bodily injury and property damage shall not be less than $1 million per occurrence as a combined single limit.
   (c) Worker’s Compensation Insurance applicable to the laws of the State of New Jersey and Employers Liability Insurance with Limits of not less than:
      1. $1,000,000 Bodily Injury, Each Occurrence
      2. $1,000,000 Disease Each Employee
      3. $1,000,000 Disease Aggregate Limit

3. TERMS GOVERNING ALL PROPOSALS
   3.1 Contract Amount – The estimated amount of the contract(s), when stated on the Advertised Request for Proposal form, shall not be construed as either the maximum or the minimum amount which the College shall be obligated to order as the result of the Request for Proposal or any contract entered into as a result of this Request for Proposal.
   3.2 Contract Period and Extension Option – If, in the opinion of the Director of Purchasing, it is in the best interest of the College to extend any contract entered into as a result of the Request for Proposal, the contractor will be so notified of the Director’s intent at least 30 days prior to the expiration date of the existing contract. The contractor shall have 15 calendar days to respond to the Director’s request to extend the contract. If the contractor agrees to the extension, all terms and conditions of the original contract, including price, will be applicable.
   3.3 Bid and Performance Security – a. Bid security – If bid security is required, such security must be submitted with the bid in the amount listed in the Request for Proposal, NJAC 17:12:2.2. Acceptable forms of bid security are as follows:
      (1) A properly executed individual bond issued by an insurance or security company authorized to do business in the State of New Jersey, a certified or cashier’s check drawn to the order of RCNJ.
      (2) The College will hold all bid security during the evaluation process. As soon as is practicable after the completion of the evaluation, the College will:
3.4 Subcontracting or Assignment – The contract may not by sub-contracted or assigned by the contractor, in whole or in part, without the prior written consent of the Director of Purchasing. Such consent, if granted, shall not relieve the contractor of any of his responsibilities under the contract. In the event the bidder proposes to subcontract for the services to be performed under the terms of the contract award, he shall state so in his bid and attach for approval a list of said subcontractors and an itemization of the products and/or services to be supplied by them. Nothing contained in the specifications shall be construed as creating any contractual relationship between any subcontractor and the College.

3.5 Performance Guarantee of Bidder – The bidder hereby certifies that: a) the equipment offered is standard new equipment; b) is the manufacturer’s latest model in production, with parts regularly used for the type of equipment offered; c) that such parts are all in production and not likely to be discontinued; and d) that no attachment or part has been substituted or applied contrary to manufacturer’s recommendations and standard practice. All equipment supplied to the College and operated by electrical current is UL approved. All new machines are to be guaranteed for a period of one year from time of delivery and/or installation and prompt service rendered without charge regardless of geographic location. Sufficient quantities of parts necessary for proper service to equipment will be maintained at distribution points and service headquarters. Trained mechanics are regularly employed to make necessary repairs to equipment in the territory from which the service request might emanate within 48 hour period or within the time accepted as industry practice. The contractor shall immediately replace any material which is rejected for failure to meet the requirements of the College. All services rendered to the College shall be performed in strict and full accordance with the specifications as agreed to in the contract. A service contract shall not be considered complete until final approval by the College is rendered. Payment to vendors for services rendered may not be made until final College approval is given.

3.6 Delivery Guarantees – Deliveries shall be made at such time and in such quantities as ordered in strict accordance with conditions contained in proposal. The contractor shall be responsible for the delivery of material in first class condition to the College or the purchaser under this contract, and in accordance with good commercial practice. Items delivered must be strictly in accordance with bid specifications. In the event delivery of goods or services is not made within the number of days stipulated or under the schedule defined in the specifications, the College may be authorized to obtain the material or service from any available source, the difference in price, if any, to be paid by the contractor failing to meet his commitments.

3.7 Board of Trustees Right of Final Bid Acceptance – The Board of Trustees reserves the right to reject any or all bids, or to award in whole or in part if deemed to be in the best interest of the College to do so. The Board of Trustees shall have authority to award orders or contracts to the contractor(s) best meeting all specifications and conditions in accordance with NJAC 17:12-2.6.

3.8 Bid Acceptances and Rejections – The provisions of NJAC 17:12-2.4, relating to the Director’s right to waive minor elements of non-compliance with bid specifications and NJAC 17:12-2.5 which defines causes for automatic bid rejection, apply to all proposals and bids.

3.9 College’s Right to Request Further Information – The Director of Purchasing reserves the right to request all information which may assist him in making a contract award, including factors necessary to evaluate the bidder’s financial capabilities to perform the contract. Further, the Director of Purchasing reserves the right to request a bidder to explain in detail how the bid price was determined.

3.10 College’s Right to Inspect Bidder’s Facilities – The College reserves the right to inspect the bidder’s establishment before making an award for purposes of ascertaining whether the bidder has the necessary facilities for performing the contract. The College may also consult with clients of the bidder during the evaluation of bids. Such consultation is intended to assist the College in making a contract award which is most advantageous to the College.

4 DELIVERY COSTS - All materials shipped in response to a College purchase order are to be invoiced F.O.B. DESTINATION. The College will not be liable for any damages nor losses incurred in delivery process. FOB Destination requires delivery to the receiving platform of the addressee, it does not include “spotting”. No delivery charges will be considered which result from partial or multiple shipments made for the vendor’s convenience.

4.1 COD Terms - COD terms are not acceptable as part of a bid proposal and will be cause for rejection of a bid.

4.2 Tax Charges - RCNJ is a municipal agency of the State of New Jersey and is exempt from the New Jersey sales and use taxes, pursuant to Section 9(a.1) of the New Jersey Sales and Use Tax Act (NJSA 54:32B-1 et seq.). They must not be included in the vendor’s price quotations.

4.3 Payment to Vendors – Payments for goods and/or services purchased by the College will only be made against the vendor’s invoice and College certifications of goods or service.

4.4 New Jersey Prompt Payment Act – The New Jersey prompt Payment Act NJSA 52:32-32 et seq. Requires state agencies to pay for goods and services within sixty (60) days of the receipt of contractor’s invoice or within sixty (60) days of receipt and acceptance of goods and services, whichever is later. Interest will be paid on delinquent accounts at a rate established by the State Treasurer. Interest will not be paid until it exceeds $5.00 per properly executed invoice. Cash discounts and other payment terms included as part of the original agreement are not affected by the Prompt Payment Act.

5 CASH DISCOUNTS – Cash discounts for periods of less than 15 days will not be considered as factors in the award of contracts for purposes of determining the College’s compliance with any discount offered.

5.1 A discount period shall commence on the day the College receives a properly executed vendor’s invoice for products and services that have been duly accepted by the College in accordance with the terms, conditions, and specifications of the Contract/Purchase Order. If the invoice is received prior to delivery of the goods and services the discount period begins with the acceptance of the goods or services.

5.2 The date on the check issued by the College in payment of that invoice shall be deemed the date of the College response to that invoice.
Provision for Appeal

Appeal Procedures

Provisions for an appeal of Ramapo College of New Jersey decision to award a bid:

A. The College shall provide to all qualified bidders a copy of a “Notice of Intent to Award a Contract” within sixty (60) days of a bid opening. Any bidder that wishes to protest the notice of award shall have three (3) business days from the date of receipt of said notification to file an appeal in writing.

B. A bidder’s notice of appeal shall set forth with particularity that such is an appeal and the reasons upon which the bidder takes issue with the contemplated award to the apparent lowest responsible bidder, attaching all documentation, if appropriate.

C. A panel will conduct a hearing within five (5) working days of the College’s receipt of the appeal. A written decision will be rendered within seven (7) working days of the hearing set forth in this paragraph.

D. The hearing will be conducted by a panel of three (3) College employees. Those members shall be: the Director of Facilities, the Director of Purchasing and the Contracting Officer or their designees. If any of the specifically enumerated employees is unavailable, another College employee shall be designated to hear the matter. The panel shall render a decision in the matter.

E. The Contracting Officer shall preside at the hearing and shall vote. A determination of the panel shall be by a majority vote.

F. The hearing shall be open to all bidders on the project. The bidder filing the appeal has the right to present witnesses, and documents. The Contracting Officer may limit the number of witnesses to be heard. The panel may direct questions to the witnesses called by the appealing bidder or other project bidders present at the hearing if the panel deems necessary.

G. Picture taking, filming or tape recording of the hearing, are prohibited.

H. Attorneys may be present to assist and advise not to offer testimony, question witnesses, make statements, or speak. Furthermore, attorneys may not interfere with the hearing.

I. The College reserves the right to waive any immaterial defects in the bid or the bidding process.

J. The decision of the panel is a final College decision.

K. All appeals from the decision of the panel shall be appeal able to the Appellate Division pursuant to N.J.S.A. 18A:3B-6(f).
## OWNERSHIP DISCLOSURE FORM

**DEPARTMENT OF THE TREASURY**  
**DIVISION OF PURCHASE & PROPERTY**  
**STATE OF NEW JERSEY**  
**33 W. STATE ST., 9TH FLOOR**  
**PO BOX 230**  
**TRENTON, NEW JERSEY 08625-0230**

**BID NUMBER:**  
**BIDDER:**

**Instructions:** Provide below the names, home addresses, dates of birth, offices held and any ownership interest of all individuals not listed above, and any partnerships, corporations and any other owner having a 10% or greater interest in the firm named above. If additional space is necessary, provide on an attached sheet.

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<tr>
<th>NAME</th>
<th>HOME ADDRESS</th>
<th>DATE OF BIRTH</th>
<th>OFFICE HELD</th>
<th>OWNERSHIP INTEREST</th>
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**Instructions:** Provide below the names, home addresses, dates of birth, and ownership interest of all individuals not listed above, and any partnerships, corporations and any other owner having a 10% or greater interest in the firm named above. If a listed owner is a corporation or partnership, provide below the same information for the holders of 10% or more interest in that corporation or partnership. If additional space is necessary, provide that information on an attached sheet. Complete the certification at the bottom of this form. If this form has previously been submitted to the Purchase Bureau in connection with another bid, indicate changes, if any, where appropriate, and complete the certification below.

If there are no owners with 10% or more interest in your firm, enter "None" below.

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<th>DATE OF BIRTH</th>
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### COMPLETE ALL QUESTIONS BELOW

1. Within the past five years has another company or corporation had a 10% or greater interest in the firm identified above?  
   (If yes, complete and attach a separate disclosure form reflecting previous ownership interests.)

   YES  NO

2. Has any person or entity listed in this form or its attachments ever been arrested, charged, indicted or convicted in a criminal or disorderly persons matter by the State of New Jersey, any other State or the U.S. Government? (If yes, attach a detailed explanation for each instance.)

   YES  NO

3. Has any person or entity listed in this form or its attachments ever been suspended, debarred or otherwise declared ineligible by any agency of government from bidding or contracting to provide services, labor, material, or supplies? (If yes, attach a detailed explanation for each instance.)

   YES  NO

4. Are there now any criminal matters or debarment proceedings pending in which the firm and/or its officers and/or managers are involved? (If yes, attach a detailed explanation for each instance.)

   YES  NO

5. Has any Federal, State or Local license, permit or other similar authorization, necessary to perform the work applied for herein and held or applied for by any person or entity listed in this form, been suspended or revoked, or been the subject or any pending proceedings specifically seeking or litigating the issue of suspension or revocation? (If yes, attach a detailed explanation for each instance.)

   YES  NO

### CERTIFICATION:

I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers or information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option, may declare any contract(s) resulting from this certification void and unenforceable.

I, being duly authorized, certify that the information supplied above, including all attached pages, is complete and correct to the best of my knowledge, I certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Company Name: ________________________________

Address: ____________________________________  

PRINT OR TYPE: ________________________________  

(Date)

FEIN/SSN#: ________________________________  

PRINT OR TYPE: ________________________________  

(Signature)

(Name)

(Title)
NON-COLLUSION AFFIDAVIT

Project Title: ______________________________________________________________

State of New Jersey  
County of _________________ ss:

I, ___________________________ residing in _______________________________  
(name of affiant)  
(name of municipality)  
in the County of _________________ and State of _________________ of full  
age, being duly sworn according to law on my oath depose and say that:

I am __________________________  of the firm of _________________________  
(title or position)  
(name of firm)  
_____________________________________ the bidder making this Proposal for the bid  
entitled ______________________________, and that I executed the said proposal with  
full authority to do so that said bidder has not, directly or indirectly entered into any  
agreement, participated in any collusion, or otherwise taken any action in restraint 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 ______________ ____________(name of contracting unit) relies upon the truth  
of the statements contained in said Proposal and in the statements contained in this  
affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or  
secure such contract upon 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  
________________, 20____  
Signature  
________________, 20____  
(Type or print name of affiant under signature)

________________  
Notary public of  
My Commission expires ________________  
(Seal)
CONFLICTS OF INTEREST

The following prohibitions on vendor activities shall apply to all contracts or purchase agreements made with the State of New Jersey, pursuant to Executive Order No. 34 (1976) and Executive Order 189 (1988).

a. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b and e., in the Department of the Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i., of any such officer or employee, or partnership, firm or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52: 13D-13g.

b. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.

c. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52: 130-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

d. No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

e. No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the vendor or any other person.

f. The provisions cited above in paragraph 6a through 6e shall not be construed to prohibit a State officer or employee or Special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate under paragraph 6c.

I (we) certify that I (we) have read and understood the above regulations on Conflict of Interest:

Name of Firm: _______________________________________________________________________

By:  ______________________________________________________________________________

Title: ______________________________________________________ Date: ________________
Business Registration 05/10/13

Businesses, organizations or individuals doing business in New Jersey are required to register with the Department of the Treasury, Division of Revenue. (Reference: Public Law 2001 Chapter 134.) Registration is required to conduct most business with any state, county, municipal, local board of education, charter school, county college, authority, or state college or university. The contracting agency may require that a copy of the “proof of registration certificate” (BRC) be submitted as part of a public bid or prior to issuing a purchase order. Additional information regarding the registration process and the Business Registration Certificate (BRC) can be found at The State of New Jersey Business Portal One-Stop Shop for Business at either of the following two websites:

http://www.nj.gov/njbusiness/
http://www.nj.gov/njbusiness/registration/

Out of state businesses can apply for a BRC by using paper form NJ-REG. There is no cost for out of state businesses to apply.

http://www.nj.gov/treasury/revenue/revprnt.shtml

Businesses already registered in NJ can obtain a BRC verification online at: https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp

Sample Business Registration Certificate

You have received this communication in reference to contract or purchase order activity or as part of the bidding process with Ramapo College of New Jersey. Please forward a copy of your BRC to the address above or be sure to include your BRC with the bid response.

Steve Sondey
Director of Purchasing
Ramapo College of New Jersey
STATE OF NEW JERSEY
DEPARTMENT OF LABOR
DIVISION OF WAGE & HOUR COMPLIANCE
PO Box 389
Trenton, New Jersey 08625-0389

Jon Corzine
Governor
Tel: 609-292-9464

David J. Socolow
Acting Commissioner
Fax: 609-633-8591

February 22, 2000

Greetings:

Please be advised of legislation recently signed into law that will effect public advertisement for bids, solicitation of quotations and the award of certain public contracts. P.L. 1999.c.238. “THE PUBLIC WORKS CONTRACTOR REGISTRATION ACT” will be come effective on April 11, 2000.

Contractors performing covered public work on the effective date must apply for registration within 30 days. Contractors no performing public work on the effective date of the Act must apply for registration before bidding on a public works contract. A copy of the completed and submitted registration application will establish eligibility for award for a period of 30 days.

For the purpose of the “THE PUBLIC WORKS CONTRACTOR REGISTRATION ACT”, “Public Works” is defined as “the construction, reconstruction, demolition, alteration, repair or maintenance of a public building regularly open to and used by the general public or a public institution and includes any subcontractor or lower tier subcontractor as defined herein, except the, for purposes of the act, no pumping station, treatment plant or other facility associated with utility and environmental construction, reconstruction, demolition, alteration, repair or maintenance shall be regarded as a public building regularly open to and used by the general public or a public institution.”

It is important to note that any work subject to the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.), requires compliance with that Act a Regards the Payment of prevailing wage rate, posting and completion and submission of certified payrolls, etc.

To avoid potential contract delays and completion extensions, it is suggested public body contracting units and their agents begin to include contractor registration language in advertisements for bids and solicitations for quotations. Evidence of contractor registration should be added to the list of requirements included in future bid specifications and confirmation or registration made on contracts awarded on and after April 11, 2000.

Registration Application Forms and copies of THE PUBLIC WORKS CONTRACTOR REGISTRATION ACT may be obtained by contacting:

Contractor Registration Unit
New Jersey Department of Labor
Division of Wage & Hour Compliance
PO Box 389
Trenton, New Jersey 08625-0389
Telephone: (609) 292-9464
Fax: (609)633-8591
E0Mail: contreg@dol.state.nj.us

Your inquiries and contractor referrals are welcome.

We look forward to cooperating with you in the administration and enforcement of this legislation intended to require greater responsibility of those who benefit from public works contracting.
MACBRIDE PRINCIPLES FORM

BIDDER'S REQUIREMENT: TO PROVIDE A CERTIFICATION IN COMPLIANCE WITH MACBRIDE PRINCIPLES AND NORTHERN IRELAND ACT OF 1989

Pursuant to Public Law 1995, c. 134, a responsible bidder selected, after public bidding, by the Director of the Division of Purchase and Property, pursuant to N.J.S.A. 52:34-12, or the Director of the Division of Building and Construction, pursuant to N.J.S.A. 52:32-2, must complete the certification below by checking one of the two representations listed and signing where indicated. If a bidder who would otherwise be awarded a purchase, contract or agreement does not complete the certification, then the Directors may determine, in accordance with applicable law and rules, that it is in the best interest of the State to award the purchase, contract or agreement to another bidder who has completed the certification and has submitted a bid within five (5) percent of the most advantageous bid. If the Directors find contractors to be in violation of the principles which are the subject of this law, they shall take such action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

I certify, pursuant to N.J.S.A. 52:34-12.2 that the entity for which I am authorized to bid:

☐ has no ongoing business activities in Northern Ireland and does not maintain a physical presence therein through the operation of offices, plants, factories, or similar facilities, either directly or indirectly, through intermediaries, subsidiaries or affiliated companies over which it maintains effective control; or

☐ will take lawful steps in good faith to conduct any business operations it has in Northern Ireland in accordance with the MacBride principles of nondiscrimination in employment as set forth in N.J.S.A. 52:18A-89.8 and in conformance with the United Kingdom's Fair Employment (Northern Ireland) Act of 1989, and permit independent monitoring of their compliance with those principles.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signature: ________________________ Date: ____________________

Print Name: ______________________ Title: ____________________

Firm Name: ____________________
**AFFIRMATIVE ACTION**

<table>
<thead>
<tr>
<th>Term Contract - Advertised Bid Proposal</th>
</tr>
</thead>
</table>
| **Bid Number:**  
| **Bidder:**  |

**EXHIBIT A**

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**


**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, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but 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 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.

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.

The contractor or subcontractor agrees to make good faith efforts to afford equal employment opportunities to minority and women workers consistent with Good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2, or Good faith efforts to meet targeted 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 conformity with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, 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 Public Contracts Equal Employment Opportunity Compliance 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 Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

* NO FIRM MAY BE ISSUED A PURCHASE ORDER OR CONTRACT WITH THE STATE UNLESS THEY COMPLY WITH THE AFFIRMATIVE ACTION REGULATIONS *

**PLEASE CHECK APPROPRIATE BOX (ONE ONLY)**

- [ ] I HAVE A CURRENT NEW JERSEY AFFIRMATIVE ACTION CERTIFICATE, (PLEASE ATTACH A COPY TO YOUR PROPOSAL).
- [ ] I HAVE A VALID FEDERAL AFFIRMATIVE ACTION PLAN APPROVAL LETTER, (PLEASE ATTACH A COPY TO YOUR PROPOSAL).
- [ ] I HAVE COMPLETED THE ENCLOSED FORM AA302 AFFIRMATIVE ACTION EMPLOYEE INFORMATION REPORT.
INSTRUCTIONS FOR COMPLETING THE
EMPLOYEE INFORMATION REPORT (FORM AA302)

IMPORTANT: READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORM. PRINT OR TYPE ALL INFORMATION. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND TO SUBMIT THE REQUIRED $150.00 NON-REFUNDABLE FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE. IF YOU HAVE A CURRENT CERTIFICATE OF EMPLOYEE INFORMATION REPORT, DO NOT COMPLETE THIS FORM UNLESS YOUR ARE RENEWING A CERTIFICATE THAT IS DUE FOR EXPIRATION. DO NOT COMPLETE THIS FORM FOR CONSTRUCTION CONTRACT AWARDS.

ITEM 1 - Enter the Federal Identification Number assigned by the Internal Revenue Service, or if a Federal Employer Identification Number has been applied for, or if your business is such that you have not or will not receive a Federal Employer Identification Number, enter the Social Security Number of the owner or of one partner, in the case of a partnership.

ITEM 2 - Check the box appropriate to your TYPE OF BUSINESS. If you are engaged in more than one type of business check the predominate one. If you are a manufacturer deriving more than 50% of your receipts from your own retail outlets, check "Retail".

ITEM 3 - Enter the total "number" of employees in the entire company, including part-time employees. This number shall include all facilities in the entire firm or corporation.

ITEM 4 - Enter the name by which the company is identified. If there is more than one company name, enter the predominate one.

ITEM 5 - Enter the physical location of the company. Include City, County, State and Zip Code.

ITEM 6 - Enter the name of any parent or affiliated company including the City, County, State and Zip Code. If there is none, so indicate by entering "None" or N/A.

ITEM 7 - Check the box appropriate to your type of company establishment. "Single-establishment Employer" shall include an employer whose business is conducted at only one physical location. "Multi-establishment Employer" shall include an employer whose business is conducted at more than one location.

ITEM 8 - If "Multi-establishment" was entered in item 8, enter the number of establishments within the State of New Jersey.

ITEM 9 - Enter the total number of employees at the establishment being awarded the contract.

ITEM 10 - Enter the name of the Public Agency awarding the contract. Include City, County, State and Zip Code. This is not applicable if you are renewing a current Certificate.

ITEM 11 - Enter the appropriate figures on all lines and in all columns. THIS SHALL ONLY INCLUDE EMPLOYMENT DATA FROM THE FACILITY THAT IS BEING AWARDED THE CONTRACT. DO NOT list the same employee in more than one job category. DO NOT attach an EEO-1 Report.

Racial/Ethnic Groups will be defined:
Black: Not of Hispanic origin. Persons having origin in any of the Black racial groups of Africa.
Hispanic: Persons of Mexican, Puerto Rican, Cuban, or Central or South American or other Spanish culture or origin, regardless of race.
American Indian or Alaskan Native: Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
Asian or Pacific Islander: Persons having origin in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent or the Pacific Islands. This area includes for example, China, Japan, Korea, the Phillipine Islands and Samoa.
Non-Minority: Any Persons not identified in any of the aforementioned Racial/Ethnic Groups.

ITEM 12 - Check the appropriate box. If the race or ethnic group information was not obtained by 1 or 2, specify by what other means this was done in 3.

ITEM 13 - Enter the dates of the payroll period used to prepare the employment data presented in Item 12.

ITEM 14 - If this is the first time an Employee Information Report has been submitted for this company, check block "Yes".

ITEM 15 - If the answer to Item 15 is "No", enter the date when the last Employee Information Report was submitted by this company.

ITEM 16 - Print or type the name of the person completing the form. Include the signature, title and date.

ITEM 17 - Enter the physical location where the form is being completed. Include City, State, Zip Code and Phone Number.

TYPE OR PRINT IN SHARP BALL POINT PEN
THE VENDOR IS TO COMPLETE THE EMPLOYEE INFORMATION REPORT FORM (AA302) AND RETAIN A COPY FOR THE VENDOR’S OWN FILES. THE VENDOR SHOULD ALSO SUBMIT A COPY TO THE PUBLIC AGENCY AWARDING THE CONTRACT IF THIS IS YOUR FIRST REPORT; AND FORWARD ONE COPY WITH A CHECK IN THE AMOUNT OF $150.00 PAYABLE TO THE TREASURER, STATE OF NEW JERSEY(FEE IS NON-REFUNDABLE) TO:
NJ Department of the Treasury
Division of Public Contracts
Equal Employment Opportunity Compliance
P.O. Box 206
Trenton, New Jersey 08625-0206
Telephone No. (609) 292-5473
**State of New Jersey**

**Division of Public Contracts Equal Employment Opportunity Compliance**

**EMPLOYEE INFORMATION REPORT**

**IMPORTANT**: READ INSTRUCTIONS ON BACK OF FORM CAREFULLY BEFORE COMPLETING FORM. TYPE OR PRINT IN SHARP BALLPOINT PEN. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND SUBMIT THE REQUIRED $150.00 FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE. DO NOT SUBMIT EEO-1 REPORT FOR SECTION B, ITEM 11.

### SECTION A - COMPANY IDENTIFICATION

1. FID. NO. OR SOCIAL SECURITY NUMBER
2. TYPE OF BUSINESS
   - [ ] MFG
   - [ ] SERVICE
   - [ ] WHOLESALE
   - [ ] RETAIL
   - [ ] OTHER
3. TOTAL NO. OF EMPLOYEES IN THE ENTIRE COMPANY.

4. COMPANY NAME

5. STREET
6. CITY
7. COUNTY
8. STATE
9. ZIP CODE

6. NAME OF PARENT OR AFFILIATED COMPANY (IF NONE, SO INDICATE)
10. CITY
11. STATE
12. ZIP CODE

7. CHECK ONE: IS THE COMPANY:
   - [ ] SINGLE-ESTABLISHMENT EMPLOYER
   - [ ] MULTI-ESTABLISHMENT EMPLOYER

8. IF MULTI-ESTABLISHMENT EMPLOYER, STATE THE NUMBER OF ESTABLISHMENTS IN NJ

9. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT

10. PUBLIC AGENCY AWARDING CONTRACT
    - CITY
    - COUNTY
    - STATE
    - ZIP CODE

Official Use Only

<table>
<thead>
<tr>
<th>DATE RECEIVED</th>
<th>INAUG DATE</th>
<th>ASSIGNED CERTIFICATION NUMBER</th>
</tr>
</thead>
</table>

### SECTION B - EMPLOYMENT DATA

11. Report all permanent, temporary and part-time employees ON YOUR OWN PAYROLL. Enter the appropriate figures on all lines and in all columns. Where there are no employees in a particular category, enter a zero. Include ALL employees, not just those in minority/non-minority categories, in columns 1, 2, & 3. **DO NOT SUBMIT AN EEO-1 REPORT.**

<table>
<thead>
<tr>
<th>JOB Categories</th>
<th>All Employees Total (Cols. 2 &amp; 3)</th>
<th>PERMANENT MINORITY/ NON-MINORITY EMPLOYEE BREAKDOWN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COL. 2 MALE</td>
<td>COL. 3 FEMALE</td>
</tr>
<tr>
<td>Officials/Managers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professionals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technicians</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales Workers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office &amp; Clerical</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Craftworkers (Skilled)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operatives (Semi-Skilled)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laborers (Unskilled)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Workers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. HOW WAS INFORMATION AS TO RACE OR ETHNIC GROUP IN SECTION B OBTAINED?
13. DATES OF PAYROLL PERIOD USED
    - FROM: 
    - TO: 
14. IS THIS THE FIRST Employee Information Report Submitted?
15. IF NO, DATE LAST REPORT SUBMITTED

**SECTION C - SIGNATURE AND IDENTIFICATION**

16. NAME OF PERSON COMPLETING FORM (Print or Type)
    - SIGNATURE
    - TITLE
    - DATE

17. ADDRESS NO. & STREET
    - CITY
    - COUNTY
    - STATE
    - ZIP CODE
    - PHONE, AREA CODE, NO.

I certify that the information on this form is true and correct.
General Information

For AGENCY USE ONLY

Solicitation, RFP or Contract No. ___________________________ Award Amount ___________________________

Description of Services

Agency Contact Information

Agency ___________________________ Contact Person ___________________________

Phone Number ___________________________ Agency Email ___________________________

Part 1: Vendor Information

Full Legal Business Name ___________________________

(Including trade name if applicable)

Business Type

☐ Corporation ☐ Limited Partnership ☐ Professional Corporation ☐ General Partnership

☐ Limited Liability Company ☐ Sole Proprietorship ☐ Limited Liability Partnership

Address 1 ___________________________ Address 2 ___________________________

City ___________________________ State ___________________________ Zip _______ Phone ___________

Vendor Email ___________________________ Vendor FEIN ___________________________


I hereby certify as follows:

1. On or after October 15, 2004, neither the below-named entity nor any individual whose contributions are attributable to the entity pursuant to Executive Order 117 (2008) has solicited or made any contribution of money, pledge of contribution, including in-kind contributions, company or organization contributions, as set forth below that would bar the award of a contract to the vendor, pursuant to the terms of Executive Order 117 (2008).

   a) Within the preceding 18 months, the below-named person or organization has not made a contribution to:

      (i) Any candidate committee and/or election fund of any candidate for or holder of the public office of Governor or Lieutenant Governor.
      (ii) Any State, county, municipal political party committee; OR
      (iii) Any legislative leadership committee.

   b) During the term of office of the current Governor(s), the below-named person or organization has not made a contribution to

      (i) Any candidate, committee and/or election fund of the Governor or Lieutenant Governor; OR
      (ii) Any State, county or municipal political party committee nominating such Governor in the election preceding the commencement of said Governor's term.

   c) Within the 18 months immediately prior to the first day of the term of office of the Governor(s), the below-named person or organization has not made a contribution to

      (i) Any candidate, committee and/or election fund of the Governor or Lieutenant Governor; OR
      Any State, county, municipal political party committee of the political party nominating the successful gubernatorial candidate(s) in the last gubernatorial election.

PLEASE NOTE: Prior to November 15, 2008, the only disqualifying contributions include those made by the vendor or a principal owning or controlling more than 10 percent of the profits or assets of a business entity (or 10 percent of the stock in the case of a business entity that is a corporation for profit) to any candidate committee and/or election fund of the Governor or to any state or county political party within the preceding 18 months, during the term of office of the current Governor or within the 18 months immediately prior to the first day of the term of Office of Governor.
Part 3: Disclosure of Contributions Made

☐ Check this box if no reportable contributions have been made by the above-named business entity or individual.

<table>
<thead>
<tr>
<th>Name of Recipient</th>
<th>Address of Recipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Contribution</td>
<td>Amount of Contribution</td>
</tr>
<tr>
<td>Type of Contribution (i.e. currency, check, loan, in-kind)</td>
<td></td>
</tr>
</tbody>
</table>

Contributor Name

Relationship of Contributor to the Vendor

Contributor Address

City __________________________  State ____________  Zip ______

If this form is not being completed electronically, please attach pages for additional contributions as necessary. Otherwise click "Add a Contribution" to enter additional contributions.
Part 4: Certification

I have read the instructions accompanying this form prior to completing this certification on behalf of the above-named business entity. I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

I understand that this certification will be in effect for two (2) years from the date of approval, provided the ownership status does not change and/or additional contributions are not made. If there are any changes in the ownership of the entity or additional contributions are made, a new full set of documents are required to be completed and submitted. By submitting this Certification and Disclosure, the person or entity named herein acknowledges this continuing reporting responsibility and certifies that it will adhere to it.

(CHECK ONE BOX A, B or C)

(A) ☐ I am certifying on behalf of the above-named business entity and all individuals and/or entities whose contributions are attributable to the entity pursuant to Executive Order 117 (2008).

(B) ☐ I am certifying on behalf of the above-named business entity only.

(C) ☐ I am certifying on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Signed Name ________________________________  Print Name __________________________

Phone Number ________________________________  Date __________________________

Title/Position ________________________________________________________________

Agency Submission of Forms

The agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a completed Ownership Disclosure form, either electronically to cd134@treas.state.nj.us, or regular mail at Chapter 51 Review Unit, P.O. Box 039, 33 West State Street, 9th Floor, Trenton, NJ 08625. The agency should save the forms locally and keep the original forms on file, and submit copies to the Chapter 51 Review Unit.
INFORMATION AND INSTRUCTIONS
For Completing The “Two-Year Vendor Certification and Disclosure of Political Contributions” Forms

Background Information

On September 22, 2004, then-Governor James E. McGreevey issued Executive Order 134, the purpose of which was to insulate the negotiation and award of State contracts from political contributions that posed a risk of improper influence, purchase of access or the appearance thereof. To this end, Executive Order 134 prohibited State departments, agencies and authorities from entering into contracts exceeding $17,500 with individuals or entities that made certain political contributions. Executive Order 134 was superseded by Public Law 2005, c. 51, signed into law on March 22, 2005 (“Chapter 51”).

On September 24, 2008, Governor Jon S. Corzine issued Executive Order No. 117 (“E.O. 117”), which is designed to enhance New Jersey’s efforts to protect the integrity of procurement decisions and increase the public’s confidence in government. The Executive Order builds upon the provisions of Chapter 51.

Two-Year Certification Process

Upon approval by the State, the Certification and Disclosure of Political Contributions form (CH51.1R1/21/2009) is valid for a two (2) year period. Thus, if a vendor receives approval on Jan 1, 2009, the certification expiration date would be Dec 31, 2011. Any change in the vendor’s ownership status and/or political contributions during the two-year period will require the submission of new Chapter 51/EO117 forms to the State Review Unit. Please note that it is the vendor’s responsibility to file new forms with the State should these changes occur.

Prior to the awarding of a contract, the agency should first send an e-mail to CD134@treas.state.nj.us to verify the certification status of the vendor. If the response is that the vendor is NOT within an approved two-year period, then forms must be obtained from the vendor and forwarded for review. If the response is that the vendor is within an approved two-year period, then the response so stating should be placed with the bid/contract documentation for the subject project.

Instructions for Completing the Forms

NOTE: Please refer to the next section, “Useful Definitions for Purposes of Ch. 51 and E.O. 117,” for guidance when completing the forms.

Part 1: VENDOR INFORMATION

Business Name – Enter the full name of the Vendor, including trade name if applicable.

Business Type -- Select the vendor’s business organization from the list provided.

Address, City, State, Zip and Phone Number -- Enter the vendor’s street address, city, state, zip code and telephone number.

Vendor Email – Enter the vendor’s primary email address.

Vendor FEIN – Please enter the vendor’s Federal Employment Identification Number.
INFORMATION AND INSTRUCTIONS
For Completing The “Two-Year Vendor Certification and Disclosure of Political Contributions” Forms


Read the following statements and verify that from the period beginning on or after October 15, 2004, no contributions as set forth at subsections 1(a)-(c) have been made by either the vendor or any individual whose contributions are attributable to the vendor pursuant to Executive Order 117 (2008).

NOTE: Contributions made prior to November 15, 2008 are applicable to Chapter 51 only.

Part 3: DISCLOSURE OF CONTRIBUTIONS MADE

Check the box at top of page 2 if no reportable contributions have been made by the vendor. If the vendor has no contributions to report, this box must be checked.

Name of Recipient Entity – Enter the full name of the recipient entity.

Address of Recipient Entity – Enter the recipient entity’s street address.

Date of Contribution – Indicate the date of the contribution.

Amount of Contribution – Enter the amount of the reportable contribution.

Type of Contribution – Select the type of contribution from the list provided.

Contributor Name – Enter the full name of the contributor.

Relationship of Contributor to the Vendor – Indicate relationship of the contributor to the vendor, e.g. officer or partner of the company, spouse of officer or partner, resident child of officer or partner, parent company of the vendor, subsidiary of the vendor, etc.

NOTE: If form is being completed electronically, click “Add a Contribution” to enter additional contributions. Otherwise, please attach additional pages as necessary.

Part 4: CERTIFICATION

Check box A if the person completing the certification and disclosure is doing so on behalf of the vendor and all individuals and/or entities whose contributions are attributable to the vendor.

Check box B if the person completing the certification and disclosure is doing so on behalf of the vendor only.

Check box C if the person completing the certification and disclosure is doing so on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Enter the full name of the person authorized to complete the certification and disclosure, the person’s title or position, date and telephone number.
INFORMATION AND INSTRUCTIONS
For Completing The “Two-Year Vendor Certification and Disclosure of Political Contributions” Forms

USEFUL DEFINITIONS FOR THE PURPOSES OF Ch. 51 and E.O. 117

- **“Vendor”** means the contracting entity.

- **“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 New Jersey or any other state or foreign jurisdiction. The definition also includes (i) if a business entity is a for-profit corporation, any officer of the corporation and any other person or business entity that owns or controls 10% or more of the stock of the corporation; (ii) if a business entity is a professional corporation, any shareholder or officer; (iii) if a business entity is a general partnership, limited partnership or limited liability partnership, any partner; (iv) if a business entity is a sole proprietorship, the proprietor; (v) if the business entity is any other form of entity organized under the laws of New Jersey or any other state or foreign jurisdiction, any principal, officer or partner thereof; (vi) any subsidiaries directly or indirectly controlled by the business entity; (vii) any political organization organized under 26 U.S.C.A. § 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (viii) with respect to an individual who is included within the definition of “business entity,” that individual’s spouse or civil union partner and any child residing with that person. 1

- **“Officer”** means a president, vice-president with senior management responsibility, secretary, treasurer, chief executive officer, or chief financial officer of a corporation or any person routinely performing such functions for a corporation. Please note that officers of non-profit entities are excluded from this definition.

- **“Partner”** means one of two or more natural persons or other entities, including a corporation, who or which are joint owners of and carry on a business for profit, and which business is organized under the laws of this State or any other state or foreign jurisdiction, as a general partnership, limited partnership, limited liability partnership, limited liability company, limited partnership association, or other such form of business organization.

- **“Reportable Contributions”** are those contributions, including in-kind contributions, in excess of $300.00 in the aggregate per election made to or received by a candidate committee, joint candidates committee, or political committee; or per calendar year made to or received by a political party committee, legislative leadership committee, or continuing political committee.

- **“In-kind Contribution”** means a contribution of goods or services received by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.

- **“Continuing Political Committee”** includes any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least $4,300 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined by the Commission to be a continuing political committee in accordance with N.J.S.A. 19:44A-8(b).

1 Contributions made by a spouse, civil union partner or resident child to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides are permitted.
INFORMATION AND INSTRUCTIONS
For Completing The “Two-Year Vendor Certification and Disclosure of Political Contributions” Forms

- “Candidate Committee” means a committee established by a candidate pursuant to N.J.S.A. 19:44A-9(a), for the purpose of receiving contributions and making expenditures.

- “State Political Party Committee” means a committee organized pursuant to N.J.S.A. 19:5-4.

- “County Political Party Committee” means a committee organized pursuant to N.J.S.A. 19:5-3.

- “Municipal Political Party Committee” means a committee organized pursuant to N.J.S.A. 19:5-2.

- “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 N.J.S.A. 19:44A-10.1 for the purpose of receiving contributions and making expenditures.

- “Political Party Committee” means:
  1. The State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4;
  2. Any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or
  3. Any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.

Agency Submission of Forms
The agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a completed Ownership Disclosure form, either electronically to cd134@treas.state.nj.us or regular mail at Chapter 51 Review Unit, P.O. Box 039, 33 West State Street, 9th Floor, Trenton, NJ 08625. Original forms should remain with the Agency and copies should be sent to the Chapter 51 Review Unit.

Questions & Answers
Questions regarding the interpretation or application of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13) or Executive Order 117 (2008) may be submitted electronically through the Division of Purchase and Property website at http://www.state.nj.us/treasury/purchase/execorder134.shtml. Responses to previous questions are posted on the website, as well as additional reference materials and forms.

NOTE: The Chapter 51 Q&A on the website DOES NOT address the expanded pay-to-play requirements imposed by Executive Order 117. The Chapter 51 Q&A are only applicable to contributions made prior to November 15, 2008. There is a separate, combined Chapter 51/E.O. 117 Q&A section dealing specifically with issues pertaining to contributions made after November 15, 2008, available at http://www.state.nj.us/treasury/purchase/execorder134.shtml#state.
WHEREAS, our nation is deeply committed to the universal principle of equality for all, a principle that is forever fixed in our fundamental law through the equal protection clause of the Fourteenth Amendment to the United States Constitution; and

WHEREAS, since the time of the Civil War, our nation's history has been characterized by a long and difficult struggle to provide every citizen with equal rights under the law; and

WHEREAS, we are still engaged in an historic endeavor to cleanse our social, political, and economic life of invidious discrimination against racial and ethnic minorities, and against women; and

WHEREAS, our government cannot tolerate discrimination against African-Americans, who continue to suffer from the legacy of racism in America; against women, who have still not been fully admitted to the table of equality; and against ethnic minorities, such as Latinos and Asian-Americans, who also confront barriers of discrimination throughout this society; and

WHEREAS, our government bears a solemn responsibility to carry out the vision of equality and justice that has long nourished the righteous efforts of the civil rights movement; and

WHEREAS, the civil rights movement in the United States has transformed our legal and political system from one that embraced segregation and other forms of overt discrimination to one that now recognizes the right of every citizen to equal respect and concern; and

WHEREAS, nevertheless, our society continues to be marred by economic inequalities among our citizens -- inequalities that represent the direct and intolerable legacy of this nation's discriminatory past; and

WHEREAS, we owe an abiding obligation to the great civil rights leaders in our history, such as Dr. Martin Luther King, Cesar Chavez, Susan B. Anthony, and Supreme Court Justice Thurgood Marshall, to give the fullest measure of our efforts to eradicate the economic consequences of racial, ethnic, and gender discrimination; and

WHEREAS, we can best achieve the ideal of equal economic opportunity for all not by increasing our reliance on social welfare programs of the past, but by advancing new policies that promote economic self-reliance and entrepreneurial self-sufficiency; and

WHEREAS, in 1985, this State adopted with widespread support an innovative set-aside policy that guaranteed businesses owned by racial and ethnic minorities, and businesses owned by women an opportunity to obtain a fair portion of public contracts; and

WHEREAS, New Jersey's set-aside program not only redressed historic discrimination in the marketplace, but also advanced the critical interest of providing historically disadvantaged groups with the means and the experience to compete fairly in the economic setting; and
WHEREAS, in the 1989 case of City of Richmond v. Croson, the United States Supreme Court invalidated a City of Richmond set-aside program on the grounds that the city had failed to meet strict standards of constitutional scrutiny, which require that such policies be justified on the basis of evidence of actual discrimination, and that such policies be narrowly tailored to remedy such discrimination; and

WHEREAS, after Croson, the set-aside program in New Jersey was suspended; and

WHEREAS, on August 14, 1989, in response to the Croson case, Governor Thomas H. Kean issued Executive Order No. 213, which established the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts (hereinafter the "Study Commission"); and

WHEREAS, the Executive Order directed the Study Commission to "investigate the nature and scope of any discriminatory practices" that exist in the awarding of construction and procurement contracts by the State of New Jersey, to "prepare an analysis of this information in order to develop probative evidence of any prior or present discrimination" in the awarding of such contracts, and to "identify and evaluate remedies for these practices consistent with guidelines established by the Supreme Court in Croson"; and

WHEREAS, the Study Commission, which has been continued throughout this Administration, has worked diligently since its formation to fulfill its mandate, and has presented me with its final report, complete with extensive findings and comprehensive proposals; and

WHEREAS, the Study Commission's report is based upon a thorough statistical analysis comparing the volume of contract dollars awarded by State agencies to firms owned and operated by minorities and women to the numbers of such firms that are qualified and available to provide goods and services to the State; and

WHEREAS, the Study Commission's report also contains extensive anecdotal and historical evidence revealing widespread discrimination in the marketplace, with which the State passively participates; and

WHEREAS, this compelling statistical and anecdotal evidence establishes a convincing case that firms owned and operated by racial and ethnic minorities, as well as firms owned and operated by women, experience widespread exclusion from the contracting process; and

WHEREAS, I have been advised by the Attorney General that the evidence set forth in the Study Commission's final report supplies a constitutionally permissible basis for establishing a set-aside policy under the strict scrutiny standards enunciated in the Croson case; and

WHEREAS, government must take every necessary and practicable step toward eradicating racial, ethnic, and gender discrimination from our society;

NOW, THEREFORE, I, JAMES J. FLORIO, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

Transportation Trust Fund Authority Act of 1984, N.J.S.A. 27:1B-1 et seq., every agency, department, and instrumentality of the State of New Jersey that is authorized to award procurement or construction contracts shall forthwith adopt a set-aside policy in accordance with the foregoing statutory provisions and with this Executive Order.

2. In particular, every such State contracting agency shall adopt a set-aside program that requires the agency to make a good faith effort to award 7% of public procurement and construction contracts and subcontracts to qualified businesses owned and operated by African-Americans, Latinos, and Asian-Americans, and 3% of public procurement and construction contracts and subcontracts to qualified businesses owned and operated by women.

3. These numerical goals shall be pursued to the fullest degree consistent with practicality, and only insofar as to advance the State's interest in awarding contracts to firms with the necessary qualifications, regardless of race, ethnicity, or gender. Furthermore, any set-aside program established as directed by this Order shall specifically authorize the department or agency administering the set-aside program to award contracts regardless of race, ethnicity, or gender, notwithstanding the numerical goals set forth above, whenever qualified minority- or women-owned businesses are unavailable to perform the services or supply the goods sought.

4. Any set-aside program established pursuant to this Order is remedial in nature and in purpose, and therefore shall be in effect with respect to each affected group only until such time as the discriminatory conditions that form the basis of the set-aside program are eradicated.

GIVEN, under my hand and seal this 5th day of March in the Year of Our Lord, One Thousand Nine Hundred and Ninety Three, and of the Independence of the United States, the Two Hundred and Seventeenth.

/s/ JAMES J. FLORIO
GOVERNOR

Attest:

/s/ M. Robert DeCotiis
Chief Counsel to the Governor
Executive Order 151 (08/28/09) Sub-Contractor Reporting SMWBE

APPENDIX C

It is the policy of the Ramapo College of New Jersey that small businesses (each a “small business enterprise” or “SBE”), as determined and defined by the State of New Jersey, Division of Minority and Women Business Development (“Division”) and the New Jersey Department of the Treasury (“Treasury”) in N.J.A.C. 17:14 et seq. or other application regulation, should have the opportunity to participate in Ramapo College of New Jersey contracts.

To the extent the Firm engages subcontractors or sub-consultants to perform Services for Ramapo College of New Jersey pursuant to this Contract, the Firm must demonstrate to Ramapo College of New Jersey’s satisfaction that a good faith effort was made to utilize subcontractors and sub-consultants who are registered with the Division as SBEs. Furthermore, Ramapo College of New Jersey shall be evaluated quarterly by the Division, based on its attainment of the Participation Goals set forth in the State of New Jersey Construction Services Disparity Study (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June, 2005). (These participation goals are set forth below.)

Evidence of a “good faith effort” includes, but is not limited to:

1. The Firm shall request listings of SBEs from the Division (609) 292-2146 and/or Ramapo College of New Jersey and attempt to contact same

2. The Firm shall keep specific records of its efforts, including records of all requests made to the Division, the names of SBEs contacted, and the means and results of such contacts, including without limitation receipts from certified mail and telephone records.

3. The Firm shall actively solicit and shall provide Ramapo College of New Jersey with proof of solicitations of SBEs for the provision of Services, including advertisements in general circulation media, professional service publications and small business, minority-owned business or women-owned business focus media.

4. The Firm shall provide evidence of efforts made to identify categories of Services capable of being performed by SBEs.

5. The Firm shall provide all potential subcontractors and sub-consultants that the Firm has contacted pursuant to 2 or 3 above with detailed information regarding the scope of work of the subject contract.

6. The Firm shall provide evidence of efforts made to use the goods and/or services of available community organizations, consultant groups, and local, State, and federal agencies that provide assistance in the recruitment and placement of SBEs.

Furthermore, the Firm shall submit proof of its subcontractors’ and/or sub-consultants’ SBE registrations on the form required by Ramapo College of New Jersey for State reporting as to participation.
APPENDIX D

Consistent with the findings of the State of New Jersey Construction Services Disparity Study (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June 13, 2005), each Reporting Agency should aspire to allocate a portion of its total contracting dollars in accordance with the following goals.

1. Construction Services Contracts/Subcontracts (including new construction and renovations, except routine building maintenance; residential and non-residential building construction; heavy construction, such as streets, roads and bridges; and special trade construction, such as fencing, HVAC, paving and electrical).

Insert from Appendix C:

(a) State Agencies/Authorities/Commissions
African Americans -- 6.3%
Asian Americans -- 4.34%

(b) State Colleges and Universities
African Americans -- 6.3%
Asian Americans -- 4.34%
Caucasian Females -- 12.67%

Original beginning of Appendix D:

(c) State Agencies/Authorities/Commissions
African Americans -- 6.3%
Asian Americans -- 4.34%

(d) State Colleges and Universities
African Americans -- 6.3%
Asian Americans -- 4.34%
Caucasian Females -- 12.67%

2. Construction-Related Services Contracts/Subcontracts (including design services, such as architectural, engineering and construction management services, that are performed as part of a construction project).

State Colleges and Universities
African Americans -- 4.51%
Asian Americans -- 7.11%
Hispanics -- 4.09%

3. Professional Services (with the exception of those professional services deemed to be construction-related, all services that are of a professional nature and requiring special licensing, education degrees and/or very highly specialized expertise, including accounting and financial
services, advertising services, laboratory testing services; legal services; management consulting services; technical services and training).

State Agencies/Authorities/Commissions/Colleges and Universities
African Americans -- 2.47%
Asian Americans -- 1.47%
Hispanics -- 1.1%
Native Americans -- 0.07%
Caucasian Females -- 3.74%

4. Other Services (any service that is labor-intensive and neither professional nor construction-related, including, but not limited to equipment rental; janitorial and maintenance services; landfill services; laundry and dry cleaning; maintenance and repairs; printing; real property services; security services; special department supplies; subsidy, care and support; telecommunications; and temporary help).

State Agencies/Authorities/Commissions/Colleges and Universities
African Americans -- 1.22%
Asian Americans -- 0.85%
Hispanics -- 0.67%
Native Americans -- 0.05%
Caucasian Females -- 1.96%

5. Goods and Commodities (equipment and consumable items purchased in bulk, or a deliverable product including, but not limited to automobiles and equipment; chemicals and laboratory supplies, construction materials and supplies; equipment parts and supplies; fuels and lubricants; janitorial and cleaning supplies; office equipment; office supplies; radio equipment; special department supplies; technical supplies; tires and tubes; traffic signals; and uniforms).

State Agencies/Authorities/Commissions/Colleges and Universities
African Americans -- 2.71%
Asian Americans -- 1.74%
Hispanics -- 1.32%
Native Americans -- 0.10%
Caucasian Females -- 4.45