

TOWNSHIP OF OLD BRIDGE
MIDDLESEX COUNTY
NEW JERSEY

CONTRACT # 2019-19PS

CONTRACT NAME: RISK MANAGEMENT CONSULTANT

THE HONORABLE OWEN HENRY, MAYOR

OLD BRIDGE TOWNSHIP COUNCIL

MARY SOHOR, COUNCIL PRESIDENT

DR. ANITA GREENBERG-BELLI, COUNCIL VICE-PRESIDENT

Edina Brown
Brian J. Cahill
David Merwin
John E. Murphy

Tony Paskitti
Mark Razzoli
Debbie Walker

BUSINESS ADMINISTRATOR

Himanshu R. Shah

TOWNSHIP CLERK

Stella Ward, RMC

TOWNSHIP ATTORNEY

Mark Roselli, Esq.

CHIEF FINANCIAL OFFICER

Himanshu R. Shah

CONSULTANT: _____

ADDRESS: _____

TEL. NO: _____

EMAIL: _____

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NOTICE TO CONSULTANTS

The Township of Old Bridge invites proposals for:

Contract # 2019-19PS
RISK MANAGEMENT CONSULTANT

Proposals will be opened and read in public for consideration by the Township of Old Bridge, One Old Bridge Plaza, Old Bridge, New Jersey 08857 on Wednesday, December 5, 2018 at 11:00 a.m. **prevailing time.** All proposals shall be received at the Township of Old Bridge Clerks Office in the west wing of the Township Administration Building anytime prior to 10:45 a.m. Proposals arriving after 11:00 a.m. will not be accepted.

All proposals shall be presented to the Township of Old Bridge by parties proposing or their agents previous to the time designated, or when called for by the Township of Old Bridge.

If you are interested in downloading Bid Specifications, please go to the website www.oldbridge.com and click on “View all Open/Current Bids”. You may download the specifications for free. . If you do not have internet connection and need a copy of the specifications and drawings please make all requests to the Purchasing Department at (732) 721-5600 ext. 2925 between the hours of 8:30 a.m. to 4:00 p.m. Monday through Friday.

Proposals shall be made on the standard proposal form and be enclosed in a sealed envelope addressed to the Township Clerk at the above address. The name and address for the Consultant and the name of the proposal and number must be printed on the face of the envelope. Proposal package should not be disassembled or duplicated. One original and four copies of the proposal must be submitted. Proposals will be rejected if not submitted within time, date and at place designated.

In all cases, in which a proposal is delivered by public or private mailing, or hand delivered, the following address and notation shall appear prominently on the front of the outside envelope:

Re: Contract # 2019-19PS
Contract Name: RISK MANAGEMENT CONSULTANT
Township Clerk
Township of Old Bridge
One Old Bridge Plaza
Old Bridge, NJ 08857

The proposal document shall be placed in an inside envelope which shall have the following endorsement in the upper right corner of the envelope:

Proposal for: Contract # **2019-19PS**
RISK MANAGEMENT CONSULTANT
Proposal opening date: Wednesday December 5, 2018
Proposal opening time: 11:00 AM

Consultants who elect to utilize public or private mailing for delivery of proposal assume the burden of correctly addressing the envelope.

Consultants shall comply with the Affirmative Action Requirements of N.J.S.A 10:5-31 et seq. and N.J.A.C. 17:27 et seq.as amended from time to time..

The Township Council reserves the right to reject any and all proposals for the above listed contract in whole and/or in part which do not comply with the specification and/or the statutory requirements. The Township Council reserves the right to waive informalities as the Township may deem to be in its best interest.

All Contract documents are to be submitted intact in accordance with proposal checklist. All erasures, interpolations, and other physical changes in the proposal form shall be signed or initialed by the Consultant.

By the order of the Township of Old Bridge
Stella Ward
Township Clerk

EXHIBIT A

PROJECT SPECIFICATIONS & FEE PROPOSAL

A-1 PERIOD OF CONTRACT

A. This contract shall commence on January 1, 2019 and shall conclude on December 31, 2019.

B. PAYMENT- The Township shall not make any payments in advance for the services required by the RFP.

A-2 INSURANCE/BACKGROUND CHECKS

The Consultant is responsible to conduct adequate background checks on all employees and/or sub Contractors working at Township facilities. Consultants and/or sub contractors must be bonded, show proof of insurance coverage naming the Township as an additional insured, and workers' compensation insurance.

A-3 INSURANCE

The Consultant shall maintain during the life of the contract, insurance policies of the type and with the minimum limits indicated below and in a form satisfactory to the municipality. The Consultant shall provide a certified copy of the policies and/or certificates of insurance satisfactory to the municipality prior to commencement of work. Consultant must maintain Workers' Compensation insurance in accordance with laws of the State of New Jersey. The Consultant shall also have and maintain Employers Liability Insurance.

Commercial General Liability insurance coverage, written on an occurrence basis must not be altered by any endorsements limiting coverage. Limits of liability shall not be less than \$1,000,000. Municipality must be named as an additional insured

A-4 DISCLOSURE REQUIREMENTS

Professional Service contractors are advised of the responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c.271, s.3) if the contractor receives contracts in excess of \$50,000 from public entities in a calendar year. It is the contractor's responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us."

EXHIBIT A
(CONTINUED)

A-5 MUNICIPAL JOINT INSURANCE FUND CRITERIA FOR SUBMISSION OF QUALIFICATIONS

DESCRIPTION OF REQUIRED SERVICES

Municipality professional risk management consulting services as required in the bylaws of the Central Jersey Joint Insurance Fund pursuant to P. L. 1993 Chapter 269 (N.J.S.A. 40A:10-36)

The CONSULTANT shall:

- a) Assist the MUNICIPALITY in identifying its insurable Property & Casualty exposures and to recommend professional methods to reduce, assume or transfer the risk or loss.
- b) Assist the MUNICIPALITY in understanding the various coverages available from the New Jersey Utility MUNICIPALITY Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund.
- c) Review with the MUNICIPALITY any additional coverages that the CONSULTANT feels should be carried but are not available from the FUND and subject to the MUNICIPALITY's authorization, place such coverages outside the FUND.
- d) Assist the MUNICIPALITY in the preparation of applications, statements of values, and similar documents requested by the FUND, it being understood that this Agreement does not include any appraisal work by the CONSULTANT.
- e) Review Certificates of Insurance from contractors, vendors and professionals when requested by the MUNICIPALITY.
- f) Review the MUNICIPALITY's assessment as prepared by the FUND and assist the MUNICIPALITY in the preparation of its annual insurance budget.
- g) Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Also, attend no less than one (1) MUNICIPALITY safety committee meeting per annum to promote the safety objectives and goals of the MUNICIPALITY and the FUND.
- h) Assist where needed in the settlement of claims, with the understanding that the scope of the CONSULTANT's involvement does not include the work normally done by a public adjuster.
- i) Perform any other risk management related services required by the FUND's bylaws.

EXHIBIT A
(CONTINUED)

A-6 EVALUATION BY THE FUND EXECUTIVE COMMITTEE:

1. Experience, qualifications and reputation in the field for the position sought.
2. Knowledge of the area of expertise for the position of RISK MANAGEMENT CONSULTANT.
3. Experience and Knowledge of the Central Jersey Joint Insurance Fund.
4. Availability to accommodate any required meeting of the Fund.
5. Designated professional and support staff and location of firm's offices.
6. References in general and in particular from Municipal property casualty joint insurance fund where the professional or contractor has provided similar services as sought in this proposal.

Signature _____

Company _____

A-7 FEE PROPOSAL TO PROVIDE THE SERVICES OUTLINED ABOVE

This fair and open process proposal is for the Request for Qualification. Fee schedule is not required for this proposal. Fee schedule will be negotiated once the Township selects a RISK MANAGEMENT CONSULTANT.

The Professional Service Contract award will include an Authorized “Not to Exceed” amount by Resolution. Consultants are not to exceed the authorized award without Council approval. The Township will not be responsible for any billing excess of the authorized award. Therefore, Consultants are encouraged to notify the Township of any additional work/fees that will exceed the authorized amount.

Signature _____

Company _____

EXHIBIT B

CONSULTANTS RESPONSE SECTION

In its proposal, the vendor must include responses to all of the following:

A. Failure to submit the following documents is a mandatory cause for the proposal to be rejected.

Required Items	INITIAL
B-1) An executive summary of not more than two pages identifying and substantiating why the vendor is best qualified to provide the requested services.	
B-2) A staffing plan listing those persons who will be assigned to the engagement if the vendor is selected, including the designation of the person who would be the vendor’s officer responsible for all services required under the engagement. This portion of the proposal should include the relevant resume information for the individuals who will be assigned. This information should include, at a minimum, a description of the person’s relevant professional experience, years and type of experience, and number of years with the vendor.	
B-3) A description of the vendor’s experience in performing services of the type described in technical specification. Specifically identify client size and specific examples of similarities with the scope of services required under technical specification.	
B-4) The location of the office, if other than the vendor’s main office, at which the vendor proposes to perform services required under technical specification. Describe your presence in New Jersey.	
B-5) Provide references including the contact names, titles, address and phone numbers.	
B-6) In its proposal, the vendor must identify any existing or potential conflicts of interest, and disclose any representation of parties or other relationships that might be considered a conflict of interest with regard to this engagement, or the Township.	
B-7) Documentation that the vendor meets the minimum qualifications for the position as outlined in “Exhibit A”.	

EXHIBIT C

PROPOSAL DOCUMENT SUBMISSION CHECKLIST

**Failure to submit the following documents may be a cause for the proposal to be rejected.
(N.J.S.A. 40A:11-23.1b.)**

Required with submission of proposal (Township's checkmarks)		Initial each item
√	Non-Collusion Affidavit – Exhibit C-1	
√	Disclosure of Ownership Exhibit C-2	
√	Affirmative Action Exhibit C-3	
√	American with Disabilities Exhibit C-4	
√	Acknowledgement of Addenda Exhibit C-5	
√	Business Registration Certificate (N.J.S.A. 52:32-44/P.L. 2009 c.315)	

Required with submission of proposal (Township's checkmarks)		Initial each item
√	Experience Sheet Exhibit C-6	
√	Resolution - Corporation Exhibit C-7	
√	Debarred, Suspended & Disqualification Exhibit C-8	
√	Pay to Play Certification Exhibit C-9	
√	Disclosure of Investment Activities in Iran C-10	
	Fee Proposal A-7	

The following items, as checked, shall be required after award of the contract:

Certification of Insurance
Signed Contracts

____√____
____√____

SIGNATURE: **The undersigned hereby acknowledges and has submitted the above listed requirements.**

Name of CONSULTANT: _____ Signature: _____

EXHIBIT C-1

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY

COUNTY OF _____ §:

I, _____ of the _____
of _____ in the County of _____

in the State of _____ being of full age, and being duly sworn according to law
on my oath depose and say that:

I am _____
of the firm of _____

The Consultant making the proposal for the above named project, attests that they execute the said
proposal with full authority to do so; that said Consultant has not directly or indirectly entered into any
agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive
proposals 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 _____ of _____
relies upon the truth of the statements contained in said proposal and in the
statements contained in this affidavit in awarding the contract for said project.

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

NAME OF COMPANY (N.J.S.A. 52:34-15)

Subscribed and sworn to _____

Before me this _____ day _____

Of _____ 20 _____
(Also type or print name of affiant
under signature)

NOTARY PUBLIC OF

My Commission Expires _____

EXHIBIT C-2

STATEMENT OF OWNERSHIP (OWNERSHIP DISCLOSURE CERTIFICATION)

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2018, c.43)

**This Statement Shall Be Included with
All Bid and Proposal Submissions**

Name of Business: _____

Address of Business: _____

Name of person completing this form: _____

N.J.S.A. 52:25-24.2:

"No corporation, partnership, or limited liability company shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the bid or proposal, or accompanying the bid or proposal of said corporation, said partnership, or said limited liability company there is submitted a statement setting forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be.

If one or more such stockholder or partner or member is itself a corporation or partnership or limited liability company, the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member, exceeding the 10 percent ownership criteria established in this act, has been listed.

To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest."

The Attorney General has advised that the provisions of N.J.S.A. 52:25-24.2, which refer to corporations and partnerships apply to limited partnerships, limited liability partnerships, and Subchapter S corporations.

This Ownership Disclosure Certification form shall be completed, signed and notarized.

Failure of the bidder/proposer to submit the required information is cause for automatic rejection of the bid or proposal

Part I

Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, sign and notarize at the end)
- Non-Profit Corporation (skip Parts II and III, sign and notarize at the end)
- Partnership Limited Partnership Limited Liability Partnership
- Limited Liability Company
- For-profit Corporation (including Subchapters C and S or Professional Corporation)
- Other (be specific): _____

Part II

I certify that the list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be.

OR

I certify that no one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or that no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be.

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

(Please attach additional sheets if more space is needed):

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Part III - Any Direct or Indirect Parent Entity Which is Publicly Traded:

“To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest.”

Pages attached with name and address of each publicly traded entity as well as the name and address of each person that holds a 10 percent or greater beneficial interest.

OR

Submit here the links to the Websites (URLs) containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent.

AND

Submit here the relevant page numbers of the filings containing the information on each person holding a 10 percent or greater beneficial interest.

Subscribed and sworn before me this ____ day of _____, 2_____. _____ (Affiant)

(Notary Public)

My Commission expires:

(Print name of affiant and title if applicable)
(Corporate Seal if a Corporation)

EXHIBIT C-3

AFFIRMATIVE ACTION CERTIFICATION

If awarded a contract, all procurement and service contractors will be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. (P.L.1975,C.127) N.J.A.C. 17:27. Within seven (7) days after receipt of the notification of intent to award the contract or receipt of the contract, whichever is sooner, the contractor should present one of the following to the Purchasing Agent:

1. A photocopy of a valid letter from the U.S. Department of Labor that the contractor has an existing federally-approved or sanctioned Affirmative Action Plan (good for one year from the date of letter).
OR
2. A photocopy of their approved Certificate of Employee Information Report.
OR
3. An Affirmative Action Employee Information Report (Form AA302)
OR
4. All successful construction contractors must submit within three days of the signing of the contract an Initial Project Manning Report (AA201) for any contract award that meets or exceeds the Public Agency bidding threshold (available upon request).

NO FIRM MAY BE ISSUED A CONTRACT UNLESS IT COMPLIES WITH THE AFFIRMATIVE ACTION REGULATIONS OF N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) N.J.A.C. 17:27.

The following questions must be answered by all bidders:

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

YES _____ NO _____

If yes, please submit a copy of such approval.

2. Do you have a State Certificate of Employee Information Report Approval?

YES _____ NO _____

If yes, please submit a copy of such certificate.

The undersigned contractor certifies that he is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq (P.L.1975,c.127) and agrees to furnish the required documentation pursuant to the law.

COMPANY: _____

SIGNATURE: _____

TITLE: _____

Note: a contractor's bid must be rejected as non-responsive if a contractor fails to comply with Requirements of N.J.S.A. 10:5-31 et seq, within the time frame.

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

GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES CONTRACTS

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

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will 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, up-grading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprentice-ship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

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

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

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

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

EXHIBIT A (Cont)

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

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

In conforming with the 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, race, 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; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at: http://www.state.nj.us/treasury/contract_compliance/).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program 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 Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

Signature

Date

Name and Title of Signer (Please Print or Type)

For goods, professional service and general service contracts, a letter of federal affirmative action plan approval, certificate of employee information report or an employee information report form (AA302) must be submitted at the time of Award. If the vendor/contractor does not submit one of these three (3) documents within the required time period the Owner may extend the time period to the fourteenth calendar day.

If by the fourteenth calendar day the Contractor does not submit the Affirmative Action Document, the Owner must declare the vendor/contractor as being non-responsive and award the contract to the next lowest responsible bidder.

IMPORTANT: This form must be completed by Bidder.

EXHIBIT C-4

AMERICANS WITH DISABILITIES ACT

Equal Opportunity For Individuals With Disabilities

The Consultant and the Township of Old Bridge do hereby agree that the provision of Title II of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made a part of this contract. In providing any aid, benefit or service on behalf of the Township pursuant to this contract, the Consultant agrees that the performance shall be in strict compliance with the Act. In the event that the Consultant, its agents, servants, employees or sub- contractors violate or are alleged to have violated the Act during the performance of this contract, the Consultant shall defend the Township in any action or administrative proceeding commenced pursuant to this Act. The Consultant shall indemnify, protect and save harmless the Township, its agents, servants and employees from and against any and all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The Consultant shall, at its own expense, appear, defend and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the Township grievance procedure, the Consultant agrees to a proposal by any decision of the Township which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Township or if the Township incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the Consultant shall satisfy and discharge the same at its own expense.

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

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

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

EXHIBIT C-5

ACKNOWLEDGMENT OF REVISIONS OR ADDENDA

TOWNSHIP OF OLD BRIDGE

RISK MANAGEMENT CONSULTANT

(Name of Project)

2019-19PS

(Project or Proposal Number)

Pursuant to N.J.S.A. 40A:11-23.1a, the undersigned CONSULTANT hereby acknowledges receipt of the following notices, revisions, or addenda to the proposal advertisement, specifications or proposal documents. By indicating date of receipt, Consultant acknowledges the submitted proposal takes into account the provisions of the notice, revision, or addendum. Note that the local unit's record of notice to Consultants shall take precedence and that failure to include provisions of changes in proposals may be subject for rejection of the proposal.

I _____, acknowledge receipt of the following addenda and or revisions. They are as follows:

Local Unit Reference Number or Title of Addendum/Revision	How Received (mail, fax, pick-up, etc.)	Date Received

Acknowledgement by Consultant:

Name of Consultant: _____

By Authorized Representative:

Signature: _____

Print Name and Title: _____

Date: _____

EXHIBIT C-6

EXPERIENCE SHEET

NOTE: The Consultant is required to submit below detailed evidence that he/she is a competent organization which has constructed work similar in amount, value, cost character and proportions, and the necessary financial resources to perform the work in a satisfactory manner. Specifically identify client size and specific examples of similarities with the scope of services required under the technical specification.

Year	Type of Work	Contract Amount	Name & Address of Township (other organization)

CONSULTANT

BY

TITLE

EXHIBIT C-7

RESOLUTION OF AUTHORIZATION IF CONSULTANT IS A CORPORATION

RESOLVED that _____ be authorized to sign and submit the proposal or proposal of this corporation for this project, and to include in such proposal the certificate as to non-collusion as the act and deed of such corporation, and for any inaccuracies or misstatements in such certificate this corporate Consultants shall be liable under the penalties of perjury. If awarded the contract(s), said individual is also authorized to sign and execute the Contract Agreement as the act and deed of such corporation.

The foregoing is a true and correct copy of the resolution adopted by _____ at a meeting of its Board of Directors held on _____ day of _____, 20____.

SEAL OF CORPORATION

Secretary

MAILING ADDRESS _____

The terms used in this proposal, which are defined in the General Conditions of the Construction Contract included as part of the Contract Documents, have the meanings assigned to them in the General Conditions.

SUBMITTED on _____, 20____

EXHIBIT C-8

Debarred, Suspended and Disqualified Consultant Affidavit

STATE OF NEW JERSEY)
)
COUNTY OF)

I, _____ of the Township of _____, in the County of _____ and the State of _____ being of full age, being duly sworn according to law on my oath depose and say:

I am _____, an officer of the firm(s) of _____, the Consultant making the proposal for the above named work; I executed the said proposal with full authority to do so; said Consultant at the time of making this proposal {as applicable, insert "is" or "is not"} _____ included on the State of New Jersey, State Treasurer's List of Debarred, Suspended and Disqualified Consultants; and all statements contained in said proposal and in this affidavit are true and correct and made with the full knowledge that Old Bridge Township as the Local 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 said work:

- I. Has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal, state or local government agency within the past 3 years;
- II. Does not have a proposed debarment pending; and
- III. Has not been indicted, convicted, or had a civil judgment rendered against (it) by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

The undersigned further warrants that should the name of the firm making this proposal appear on the State Treasurer's List of Debarred, Suspended and Disqualified Consultants at any time prior to, and during the life of the contract, including the Guaranteed Period, that the Local Unit shall be immediately so notified by the signatory of this Eligibility Affidavit.

The undersigned understands that the firm making the proposal as a Consultant is subject to debarment, suspension and/or disqualification in contracting with the State of New Jersey and the Department of Environmental Protection if the Consultant, pursuant to N.J.A.C. 7:1-5.2, commits any of the acts listed therein, and as determined according to applicable law and regulation.

(Insert Exceptions - For any exception noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in criminal prosecution or administrative sanctions. If no exceptions, insert "None".)

Subscribed and Sworn
Before me this _____ day _____
Of _____, 20_____

Name and address of Consultant

Name and Title of Affiant

Signed: _____

By: _____

Signature of Officer or Individual

If Consultant is:

An Individual

By _____ (SEAL)

(Individual's Name)

Doing business as _____

Business Address: _____

Phone Number: _____

A Partnership

By _____ (SEAL)

(Firm Name)

_____ (General Partner)

Business Address: _____

Phone Number: _____

A Corporation

By _____ (SEAL)

(Corporation Name)

_____ (State of Incorporation)

By _____

(Name of Person Authorized to Sign)

_____ (Title)

(Corporate Seal)

Attest _____

(Secretary)

Business Address: _____

Phone Number: _____

A Joint Venture

By _____

(Name)

_____ (Address)

By _____

(Name)

_____ (Address)

(Each joint venture must sign. The manner of signing for each individual, partnership, and corporation that is party to the joint venture should be in the manner indicated above)

EXHIBIT C-9

PAY TO PLAY CERTIFICATION

PURSUANT TO OLD BRIDGE TOWNSHIP MUNICIPAL REGULATIONS 001-2006

CERTIFICATION OF CEO/CFO/Accountant (Name/Title) : _____

BUSINESS ENTITY NAME: _____

_____(Name), of full age, does hereby certify as follows:

1. My name is _____, I hold the position of _____ at _____ (*name of business entity*).

2. I am familiar with Old Bridge Township Municipal Regulation #001-2006, which is annexed hereto and made a part hereof. I acknowledge that no contract will be executed unless and until this form is filed.

3. The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that our business entity has not made and will not make any reportable contributions pursuant to P.L. 2004, c.19 which would bar the award of this contract. More specifically, our business entity has not made a contribution in excess of \$300.00 to any candidate for mayor or council, the Old Bridge Township or Middlesex County party committees, or to any PAC referenced in the Municipal Regulation. Moreover, our business entity, including principals, partners and officers of the entity have not made contributions in the aggregate in excess of a total of \$2,500.00 for each election to all Township municipal candidates and municipal office holders seeking reelection, who have or if elected would have ultimate responsibility for the award of the no bid contract, and to all Old Bridge Township or Middlesex County political parties and PACs referenced in the Municipal Regulation.

4. On behalf of _____ (*name of business entity*), I hereby certify that we are not in violation of Municipal Regulation #001-2006.

5. We further acknowledge that we have a continuing duty to report any violations of these regulations that may occur during the negotiation or duration of a contract with the Township of Old Bridge.

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

(Name, Title)

**TOWNSHIP OF OLD BRIDGE
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN
PART 1: CERTIFICATION**

BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.

FAILURE TO CHECK EITHER BOX WILL RENDER THE PROPOSAL NON-RESPONSIVE.

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

PLEASE CHECK EITHER BOX:

I certify, pursuant to Public Law 2012, c. 25, that neither the person/entity listed above nor any of the entity's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. **I will skip Part 2 and sign and complete the Certification**

OR

I am unable to certify as above because I or the bidding entity and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. **I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below.** Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

Part 2

PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

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

PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, USE ADDITIONAL PAGES

Name: _____

Relationship to Bidder/Vendor: _____

Description of Activities: _____

Duration of Engagement: _____ Anticipated Cessation Date _____

Bidder/Vendor _____

Contact Name: _____ Contact Phone Number: _____

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 attest that I am authorized to execute this certification on behalf of the below-referenced person or entity. I acknowledge that the Township of Old Bridge 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 contracts with the Township of Old Bridge to notify the Township of Old Bridge in writing of any changes to the answers of 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 agreements(s) with the Township of Old Bridge and that the Township of Old Bridge at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____ Signature: _____

Title: _____ Date: _____

Bidder/Vendor: _____

EXHIBIT D

THE FOLLOWING DOCUMENTS ARE FOR INFORMATION ONLY

THEY ARE NOT TO BE SUBMITTED WITH YOUR RESPONSE

SAMPLE NOTICE OF AWARD

SAMPLE NOTICE TO PROCEED

SAMPLE AGREEMENT TO PROVIDE PROFESSIONAL SERVICES

MUNICIPAL PAY TO PLAY REGULATION 001-2006

MUNICIPAL FAIR AND OPEN PROCESS REGULATION 004-2006

SAMPLE
NOTICE OF AWARD

Dated _____, 2019

TO: _____
(CONSULTANT)

ADDRESS: _____

PROJECT: **RISK MANAGEMENT CONSULTANT**

TOWNSHIP'S CONTRACT NO. 2019-19PS

You are notified that your proposal dated _____ for the above contract has been considered. You are the apparent successful Consultant and have been awarded a contract for _____. The contract price of your contract is \$ _____.

Three copies of each of the proposed contract documents (except drawings) accompany this Notice of Award.

You must comply with the following conditions precedent within ten days of the date of this Notice of Award that is by _____.

1. You must deliver to the TOWNSHIP three fully executed counted counterparts of the agreement including all the contract documents. Each of the contract documents must bear your signature.
2. Other:
 - a. Certificates of Insurance in not less than the required amounts.
 - b. Township's co-insurance certificate in proper form and substance.

Failure to comply with these conditions within the time specified will entitle the TOWNSHIP to consider your proposal abandoned, to annul this Notice of Award and to declare your proposal security forfeited.

Within ten days after you comply with those conditions, TOWNSHIP will return to you one fully signed counterpart of the agreement and the contract documents attached.

TOWNSHIP OF OLD BRIDGE, NEW JERSEY

(Township)

BY _____

(Authorized Signature)

Himanshu R. Shah
Township Administrator

Receipt of this "Notice of Award" is acknowledged.

Consultant: _____

By: _____
(Printed Name) (Signature) (Date)

(Title)

Copy to Township Clerk
(Use Certified Mail, Return Receipt Requested)

SAMPLE
NOTICE TO PROCEED

Dated _____, 20____

TO: _____
(Consultant)

ADDRESS: _____

TOWNSHIP CONTRACT NO.: 2019-19PS

CONTRACT FOR **RISK MANAGEMENT CONSULTANT**

You are notified that the contract time under the above contract will commence to run on _____, 2019. By that date you are to start performing your obligations under the contract documents. In accordance with Article 3 of the Agreement, the dates of substantial completion and final completion are _____, 20__ and _____, 20__, respectively.

Before you may start any work at the site, Paragraph 2.7 of the General Conditions provides that you must deliver to the TOWNSHIP Certificates of Insurance, which each is required to purchase and maintain in accordance with the contract documents.

Also, before you may start any work at the site, you must
(add other requirements)

TOWNSHIP OF OLD BRIDGE
(Township)

By: _____
(Authorized Signature)

Owen Henry, Mayor

(Surety)

SAMPLE
AGREEMENT TO PROVIDE
RISK MANAGEMENT CONSULTANT

THIS AGREEMENT made and entered this ___ day of _____, 2019 by and between **THE TOWNSHIP OF OLD BRIDGE** with principal offices at One Old Bridge Plaza, Old Bridge, New Jersey, 08857 (hereafter referred to as the “Township”) and (**Name of Professional**), _____, (hereafter referred to as the “firm”).

W I T N E S S E T H

WHEREAS, the Township of Old Bridge requires the services of (**Name of Professional**) for the purpose of **RISK MANAGEMENT CONSULTANT**; and

WHEREAS, the firm of _____ is recognized as capable and available to undertake such work; and

WHEREAS, the parties to this agreement wish to set forth the terms and conditions under which the said firm is engaged in written form.

NOW THEREFORE, in consideration of these premises and the terms and conditions of this agreement, **IT IS HEREBY AGREED:**

1. FIRM ENGAGED: _____, is hereby engaged by the Township of Old Bridge for the handling of the following matter.

2. SCOPE OF SERVICES: The services rendered by the firm shall be in accordance with (section) herein:

3. FEE TO BE CHARGED: The firm shall be paid a maximum fee not to exceed \$**Amount** and hourly rate agreed upon according to the attached proposal of _____ dated _____ attached hereto and made a part hereof.

4. BILLING RECORDS TO BE MAINTAINED, INVOICES: In order to assure accurate billing records for the Township, outside counsel are asked to implement and adhere to the following procedures;

a. Please contemporaneously record: the date on which work is performed, a brief narrative description of work, the identity of the attorney or paralegal involved in performing the work, the time expended on original time sheets or time slips as to all in-office work (ie drafting, pleading, reviewing files, legal research, etc)

b. Record out of office work (court appearances, depositions, etc) in the same format as No. 1 above on the day following the date on which such work was performed.

c. Make original entries on time sheets or time records so that only one task is described for each entry of time expended.

d. Separately itemize costs advanced showing purpose and amount of the expense. Also please include the date incurred and check number.

e. Vouchers with vendor certification must have itemized and specific invoices attached in order to be approved for payment.

5. TERM OF CONTRACT: This agreement shall commence from January 1, 2019 to December 31, 2019.

6. COPY OF THIS CONTRACT ON FILE: A copy of this agreement shall be on file and made available for public inspection in the office of the Township Clerk of the Township of Old Bridge pursuant to N.J.S.A. 40A:11-5(1), together with the authorizing resolution.

7. AFFIRMATIVE ACTION: The firm agrees to perform this contract according to the Affirmative Action Law, P.L. 1975, C.127, Rules and Regulations and the Mandatory Affirmative Action clauses attached hereto and made a part hereof as Exhibit A.

8. PREVIOUS CONTRACTS: Previous contracts authorizing the firm to perform work on the subject matter covered by this contract are hereby supplanted and replaced by this written contract. Any services rendered in connection with the said matter during the term of this contract shall be paid under authority of this contract and in accordance with its terms.

9. NOTICES: Notices from the firm to the Township of Old Bridge shall be mailed and/or delivered to both the Township Clerk of the Township of Old Bridge and the Director of Law/Municipal Attorney of the Township of Old Bridge. Notice from the Township of Old Bridge to the firm shall be mailed and/or delivered to the firm's address listed on the first page of this agreement.

IN WITNESS WHEREOF the parties hereunto set their hands and seals on the day and year above first written.

TOWNSHIP OF OLD BRIDGE

By _____
Owen Henry, MAYOR

DATED:

ATTEST:

Stella Ward,
Township Clerk

By _____

ATTEST:

MUNICIPAL REGULATION
001-2006
PROHIBITING CONTRACTS TO BE AWARDED TO
CERTAIN POLITICAL CAMPAIGN CONTRIBUTORS

WHEREAS, professional business entities are exempt from public bidding requirements; and

WHEREAS, contributions from professional business entities receiving discretionary contracts from the elected officials who receive such contributions may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities, and

WHEREAS, the Mayor has the authority to issue municipal regulations under the Faulkner Act, NJSA 40:69A-1 et seq. and the authority to negotiate contracts for the municipality under NJSA 40:69A-40j.

NOW, THEREFORE, BE IT ORDERED BY THE MAYOR OF THE TOWNSHIP OF OLD BRIDGE, that the policy of the Township of Old Bridge shall be to set the maximum amounts professional business entities who receive “no bid” contracts may contribute beyond which they become ineligible to receive “no bid” professional service contracts from the Township of Old Bridge.

SECTION I

Prohibition on Awarding Public Contracts to Certain Contributors

- (a) Any other provision of law to the contrary notwithstanding, the Township, its purchasing agent or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure, without a fair and open process, any service which the Township would be permitted to procure on a “no bid” basis pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and 40A:11-5(1)(m) (the “Statute”) from any Professional Business Entity, if that entity has solicited on behalf of, or made any contribution of money, or pledged a contribution, including in-kind contributions, to a campaign committee of any Old Bridge Township municipal candidate or municipal office holder seeking re-election, who would have, or has, ultimate responsibility for the award of the contract, or to any Old Bridge Township or Middlesex County party committee, or to any Political Action Committee

(PAC) that is organized for the primary purpose of promoting or supporting any Old Bridge Township municipal candidate or municipal office holder seeking re-election, in excess of the thresholds specified in subsection (c), within twelve (12) consecutive months immediately preceding the date of the award of the contract.

- (b) No Professional Business Entity which enters into negotiations for, or agrees to, any contract or agreement not the subject of public bidding or a fair and open process with the Township or its independent authorities for the rendition of services described in subsection (a) shall knowingly solicit on behalf of, or make any contribution of money, or pledge of a contribution, including in-kind contributions, in excess of the thresholds specified in subsection (c) below to any Old Bridge Township municipal candidate or municipal office holder seeking re-election, who would have or has, ultimate responsibility for the award of the contract, or to any Old Bridge Township or Middlesex County party committee, or to any PAC that is organized for the primary purpose of promoting or supporting any Old Bridge Township municipal candidate or municipal office holder seeking re-election, between the time of first communications between the Professional Business Entity and the Township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.
- (c) (i) Subject to the limitation in (ii), of this subsection, any individual meeting the definition of "Professional Business Entity" under this municipal regulation may make a contribution up to the amount that is reportable by the recipient under P.L. 1973, c.83 (N.J.S.A. 19:44A-1 et seq.), currently in excess of \$300.00, to each candidate for mayor or council, Old Bridge Township or Middlesex County party committees, or to a PAC referenced in this municipal regulation, for each election, without violating subsection (a) or (b) of this section. However, (ii) any entity meeting the definition of "Professional Business Entity" under this section, including such principals, partners and officers of the entity may not contribute in the aggregate in excess of a total of \$2,500 for each election to all Township municipal candidates and municipal office holders seeking re-election, who have or if elected would have ultimate responsibility for the award of the no bid contract, and to all Old Bridge Township or Middlesex County political parties and PACs referenced in this municipal regulation without violating subsection (a) or (b) of this section.
- (d) For purposes of this municipal regulation, a "Professional Business Entity" is any entity seeking or performing without competitive bidding a public contract for services permissible under the Statute and which includes an individual including the individual's spouse, if any, and any child living at home; a person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a Professional Business Entity includes all principals who own 10% or more of the equity in the corporation

or business trust, partners, and officers employed by the entity as well as any subsidiaries directly controlled by the business entity.

- (e) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
 - (1) The Township of Old Bridge Council, if the contract requires approval or authorization from the Council.
 - (2) The Mayor of the Township of Old Bridge, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of contract is appointed by the Mayor.

SECTION 2

Contributions Made Prior to the Effective Date

No contribution of money or any other thing of value, including in-kind contributions, made by a Professional Business Entity to any municipal candidate for Mayor or Council, or Township municipal office holder seeking re-election, or county party committee or PAC referenced in this municipal regulation shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the Professional Business Entity prior to the effective date of this municipal regulation.

SECTION 3

Contribution Statement by Professional Business Entity

- (a) Prior to awarding any contract or agreement without public bid, any service which the Township would be permitted to procure on a "no bid" basis pursuant to the Statute to any Professional Business Entity, the Township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the Professional Business Entity made under penalty of perjury that it has not made a contribution in violation of Section 1 of this municipal regulation.
- (b) The Professional Business Entity shall have a continuing duty to report any violations of this municipal regulation that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

SECTION 4

Return of Excess Contributions

A Professional Business Entity or Township municipal candidate or municipal office holder seeking re-election, or municipal or county party committee or PAC referenced in this municipal regulation may cure a violation of Section 1 of this order, if, within sixty (60) days after the general election, the Professional Business Entity notifies the Township Council in writing and seeks and receives reimbursement of a contribution from the entity to whom the contribution was made.

SECTION 5

Penalty

- (a) All Old Bridge Township agreements with Professional Business Entities shall provide that it shall be a material breach of the terms of the government contract for a Professional Business Entity to violate, or to aide or abet a violation, of section 1(b) or (c) or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.
- (b) Any Professional Business Entity who knowingly fails to reveal a contribution made in violation of this municipal regulation, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Old Bridge Township contracts for a period of forty-eight (48) months from the date on which the violation is finally determined.

SECTION 6

Severability and Repealer

- (a) If any section, subsection, sentence, clause or phrase of this municipal regulation is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this municipal regulation.

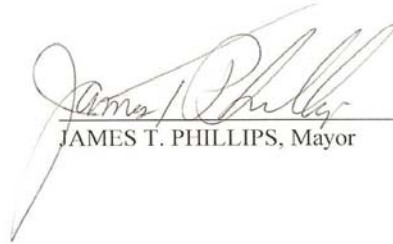
(b) All municipal regulations or parts of municipal regulations which are inconsistent with any provisions of this municipal regulation are hereby repealed as to the extent of such inconsistencies.

SECTION 7

Effective Date

This Municipal Regulation shall become effective January 6, 2006.

1/6/06
DATE



JAMES T. PHILLIPS, Mayor

MUNICIPAL REGULATION
004-2006

**IMPLEMENTING A "FAIR AND OPEN PROCESS" FOR THE AWARD OF
PROFESSIONAL SERVICE CONTRACTS**

WHEREAS, professional business entities are exempt from public bidding requirements; and

WHEREAS, contributions from professional business entities receiving discretionary contracts from the elected officials who receive such contributions may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities, and

WHEREAS, the Mayor has the authority to issue municipal regulations under the Faulkner Act, N.J.S.A. 40:69A-1 et seq. and the authority to negotiate contracts for the municipality under N.J.S.A. 40:69A-40j.

WHEREAS, it shall be the policy of the Township of Old Bridge to award all professional service contracts pursuant to a "fair and open process" as defined at N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Law defines the term "fair and open process" as follows:

"Fair and open process" means, at a minimum, that the contract shall be publicly advertised in newspapers or on the Internet website maintained by the public entity in sufficient time to give notice in advance of the contract; awarded under a process that provides for public solicitation of proposals or qualifications and awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications; and publicly opened and announced when awarded. The decision of a public entity as to what constitutes a fair and open process shall be final." (N.J.S.A. 19:44A-20.7)

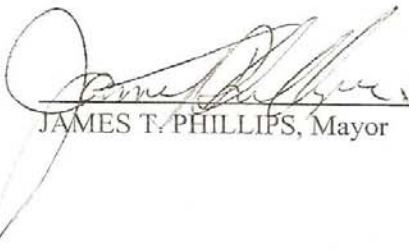
WHEREAS, the "fair and open process" for the award of professional service contracts shall be as contained in *Exhibit I* revised as of March 1, 2006, which is made a part hereto and on file for public inspection at the office of the Township Clerk.

NOW, THEREFORE, BE IT ORDERED BY THE MAYOR OF THE TOWNSHIP OF OLD BRIDGE, that the "Fair and Open Process" contained in *Exhibit I* revised March 1, 2006 and made a part hereof shall be implemented by the Township of Old Bridge in regard to the award of any applicable professional service contract.

Effective Date:

This Municipal Regulation shall become effective March 1, 2006.

3/3/06
DATE



JAMES T. PHILLIPS, Mayor

EXHIBIT I

FAIR AND OPEN PROCESS

I. PURPOSE AND INTENT

As outlined in the Municipal Regulation #001-2006 the following shall serve as the Township's "Fair and Open Process". Through this "Fair and Open Process", the Township of Old Bridge shall seek and encourage vendors to submit "proposals" for all contracts in which the Township is permitted to procure on a "no bid" basis pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and 40A:11-5(1)(m)(the "Statute") from any Professional Business Entity, or for specific projects as needed.

However the following services are specifically excluded from the "Fair and Open Process".

1. All medical doctors, psychologists, and doctors of veterinarian medicine;
2. Professional artistic services;
3. Litigation support services required by the Municipal Prosecutor in carrying out his law enforcement duties, such as expert witnesses, court reporters, etc;
4. Litigation support services required by the Township Attorney, such as expert witnesses, court reporters, etc.
5. Services provided by members of the clergy;
6. Financial Services;
7. Insurance Services;
8. All Statutory appointments and employees of the Township and any agency, instrumentality or authority of the Township.

II. NOTICE REQUIREMENTS

A. Notice of contracts as outlined in Section I. of this Executive Order shall be posted on the Township Web Site or in the Official Township Newspaper, at least 10 days prior to contracting for the goods or services. In addition, monthly notice may be sent to local newspaper(s) identifying that these contracts are posted on the Township web site:

(1) Such Web Site postings, at a minimum, shall include:

- (a) Identification of the Contract to be awarded;
- (b) General description and scope of the Contract including criteria for selection, including any special criteria required for any particular project, also where in the Township written copies can be obtained;
- (c) Location of the Contract if a specific location is required;
- (d) Deadline for submission of proposals;
- (e) Indication of how interested professionals or providers can apply for consideration;
- (f) The Township's intention to award to more than 1 firm, if applicable; and
- (g) How the project will be purchased, (i.e. based on a time and/or materials bases; with a not to exceed amount, or lump sum pricing depending on the scope of services, or if the Township is offering specific compensation for the services, or a combination of these).

(h) Notice that proposals must contain a sworn statement, as outlined in Section 3 of the Municipal Regulation #001-2006.

III. PROPOSAL SUBMISSION REQUIREMENTS

In all cases, in which a proposal is delivered by public or private mailing, or hand delivered, the following address and notation shall appear prominently on the front of the outside envelope:

Re: Contract # 2019-19PS
RISK MANAGEMENT CONSULTANT
Township Clerks Office
Township of Old Bridge
One Old Bridge Plaza
Old Bridge, NJ 08857

The proposal documents shall be placed in an envelope which shall have the following endorsement in the upper right corner of the envelope:

Contract # 2019-19PS
Proposal for: **RISK MANAGEMENT CONSULTANT**
Proposal opening date: Wednesday, December 5, 2018
Proposal opening time: 11:00 a.m.

Proposal documents must include the following copies:

(a) One original paper copy clearly marked as the "ORIGINAL plus four full, complete and exact paper copies.

Faxed proposals will NOT be accepted.

Any inquiry concerning this notice must be directed ONLY in writing or via email to:

Purchasing Department
Old Bridge Township
One Old Bridge Plaza
Old Bridge, NJ 08857
Email: purchasing@oldbridge.com

All documents/information submitted in response to this solicitation shall be available to the general public as required by the New Jersey Open Public Records Act N.J.S.A. 47:1A-1 et seq. The Township will not be responsible for any costs associated with the oral or written and/or presentation of the proposals. The Township reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Township further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all vendors submitting proposals. In the event that all proposals are rejected, the Township reserves the right to re-solicit proposals.

IV. GENERAL & TECHNICAL SPECIFICATIONS

See Exhibit A

V. MINIMUM QUALIFICATIONS

See Exhibit A

VI. MANDATORY CONTENTS OF PROPOSAL

In its proposal, the vendor must include the following:

- 1) Contact Information: Provide the name and address of the firm, the name, telephone number, fax number, and e-mail address of the individual responsible for the preparation of the proposal.
- 2) Acknowledgement that the fees offered by the Township for the specified services are acceptable or a proposal of fees to be charged as outlined in the solicitation for proposals.
- 3) An executive summary of not more than two pages identifying and substantiating why the vendor is best qualified to provide the requested services.
- 4) A staffing plan listing those persons who will be assigned to the engagement if the vendor is selected, including the designation of the person who would be the vendor's officer responsible for all services required under the engagement. This portion of the proposal should include the relevant resume information for the individuals who will be assigned. This information should include, at a minimum, a description of the person's relevant professional experience, years and type of experience, and number of years with the vendor.
- 5) A description of the vendor's experience in performing services of the type described in this FAIR AND OPEN PROCESS. Specifically identify client size and specific examples of similarities with the scope of services required under this FAIR AND OPEN PROCESS.
- 6) A description of resources of the vendor (i.e., background, location, experience, staff resources, financial resources, other resources, etc.).
- 7) The location of the office, if other than the vendor's main office, at which the vendor proposes to perform services required under this FAIR AND OPEN PROCESS. Describe your presence in New Jersey.
- 8) Provide references including the contact names, titles, address and phone numbers.
- 9) In its proposal, the vendor must identify any existing or potential conflicts of interest, and disclose any representation of parties or other relationships that might be considered a conflict of interest with regard to this engagement, or the Township.
- 10) Proposals must contain a sworn statement, as outlined in Section 3 of the Municipal Regulation #001-2006.
- 11) Completed data forms provided in Exhibit B. and attached hereto.
- 12) Documentation that the vendor meets the minimum qualifications for the position as outlined in "Exhibit A".

VIII. RECIEPT AND OPENING OF PROPOSALS

Proposals will be received by the Township Clerks office and processed in the same manner in which the office processes public bids. The Clerks office will publicly open the proposals on the date, and at the time advertised in the Web Site notice, in the same manner in which the office opens public bids. After the public opening of the proposals is completed the Clerks office will provide the Township Administrator three (3) copies of each proposal to be submitted to the Review Committee.

IX. REVIEW COMMITTEE

The Township Review Committee shall consist of the Business Administrator, Chief Financial Officer, and any other person or persons, chosen by the Business Administrator who possesses special knowledge in the subject area that could be of benefit to the selection process. No less than three individuals shall constitute a review committee.



X. INTERVIEW

The Township Review Committee reserves the right to interview any or all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The Township reserves the right to request clarifying information subsequent to submission of the proposal.

XI. SELECTION PROCESS

All proposals will be reviewed by the Township Review Committee to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For vendors that satisfy the minimum requirements, the Township Review Committee will evaluate proposals based on the following evaluation criteria, separate or combined in some manner, and not necessarily listed in order of significance:

- (a) The vendor's general approach to providing the services required under this Fair and Open Process.
- (b) The vendor's documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this Fair and Open Process.
- (c) The qualifications and experience of the vendor's management, supervisory or other key personnel assigned to the engagement, with emphasis on documented experience in successfully completing work on contracts of similar size and scope to the services required by this Fair and Open Process.
- (d) The overall ability of the vendor to mobilize, undertake and successfully complete the engagement within the timeline. This criterion will include, but not be limited to, the following factors: the number and qualifications of management, supervisory and other staff proposed by the vendor to perform the services required by this Fair and Open Process; the availability and commitment to the engagement of the vendor's management, supervisory and other staff proposed; the vendor's contract management plan, including the vendor's contract organizational chart.

XII. SELECTION CRITERIA AND CONTRACT

The Township Review Committee will select the vendor deemed most advantageous to the Township. This Township Review Committee's selection shall be forward to the Governing Body for approval. Once approved by the Governing Body the contract between the Township and the selected vendor(s) shall be comprised of the contract attached as Exhibit A, this FAIR AND OPEN PROCESS, any clarifications or addenda thereto, the selected vendor's proposal, and any changes negotiated by the parties.

XIII. REJECTION OF REVIEW COMMITTEES RECOMMENDATION

If the Governing Body rejects the recommendation of the Review Committee the process shall start over from the beginning.

XIV. IF NO PROPOSALS ARE RECEIVED

If no proposals are received after conducting the Fair and Open Process, the committee will make a recommendation for the appointment of a professional to the Governing Body as permitted in N.J.S.A. 40A:11-5(a)(i). Notwithstanding the above, all professionals receiving awards based on this sub-section must comply with the limitations on contributions imposed in the Township's Pay to Play Ordinance.