

**TOWNSHIP OF BERLIN**  
**REQUESTS FOR QUALIFICATIONS FOR**  
**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY**  
**CRITERIA ESTABLISHED PURSUANT TO N.J.S.A. 19:44A-1 ET.SEQ.**

The Township of Berlin solicits sealed statements of qualifications for applicants for appointment to the following **2027** professional positions pursuant to a fair and open process in accordance with N.J.S.A. 19:44-20.5. Responses should address the general criteria, mandatory minimum criteria for the position sought, as well as the State required forms listed below. Two **(2)** copies of the responses must be received by Catherine Underwood, Township Clerk, Township of Berlin, 135 Route 73 South, West Berlin, NJ 08091, no later than **10:00 AM Thursday, December 3, 2026**. Any response received after said opening, whether by mail or otherwise, will be deemed non-responsive. No response will be accepted after the date and time set forth above. **The response must be submitted in a sealed envelope with the name of the firm or individual submitting the proposal clearly marked on the outside of the envelope.** The Township assumes no responsibility for delays in any form of carrier, mail, or delivery service causing the response to be received after the above-referenced due date and time. Submission by fax, telephone or email is not permitted. The final selection shall be made at the sole discretion of the Mayor and Council. Unless otherwise noted, appointments shall be for the calendar year of **2027** at the Township Reorganization Meeting and subject to the execution of an appropriate contract.

- a) **Stockholder Disclosure Certification**
- b) **Non-Collusion Affidavit**
- c) **Affirmative Action Compliance Notice**
- d) **Affirmative Action Mandatory Language**
- e) **Americans with Disabilities Act Mandatory Language**
- f) **Notice of Pending Disclosure Requirement ("Pay to Play")**
- g) **Business Registration Certificate to be presented with proposal (may register online at [www.nj.gov/treasury/revenue/busregcert.shtml](http://www.nj.gov/treasury/revenue/busregcert.shtml))**

**MUNICIPAL ATTORNEY**

**GENERAL CRITERIA:** The Township of Berlin desires to appoint a municipal attorney who will be the chief, general legal officer of the Township. Applicants should demonstrate knowledge of general New Jersey municipal law, New Jersey redevelopment law and municipal contract law. Any experience or knowledge of matters directly affecting the Township of Berlin should be addressed.

**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey for a period of not less than ten (10) years preceding the proposed appointment, and eligible to appear

before all state and federal courts in New Jersey, as well as New Jersey administrative agencies and the Office of Administrative Law.

2. Must have a minimum of seven (7) years experience in the general representation of municipal governments or municipal authorities.

3. Must list past and present municipal or government authorities represented.

4. Must maintain a bona fide principal office in the State of New Jersey.

5. Must have sufficient support staff available to provide all general legal services required by the Township including, but not limited to, legal research, preparation of resolutions, preparation of ordinances, preparation of contracts and other legal documents.

6. Must provide hourly billing rates of employees possibly assigned to service the Township of Berlin.

### **MUNICIPAL BOND COUNSEL**

**GENERAL CRITERIA:** The Township of Berlin desires to appoint an attorney or firm who will be the primary legal representative of the Township in all matters relating to the issuance of public debt instruments including bonds and bond anticipation notes of the Township. Applicant should demonstrate knowledge of municipal bond and finance law. Any experience or knowledge of matters that directly affect the Township of Berlin should be addressed.

### **MANDATORY MINIMUM REQUIREMENTS.**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than ten (10) years preceding appointment.

2. Must have a minimum of ten (10) years experience representing municipal entities in connection with the approval of bond ordinances and the issuance of municipal bonds and/or notes.

3. Must have sufficient support staff to provide all services required by the Township including, but not limited to, the preparation of all documents necessary and incidental to the issuance of bonds and other municipal obligations.

4. Must list past and present public entities represented as Bond Counsel.

5. Must provide hourly billing rates for employees possibly assigned to service the Township of Berlin

### **MUNICIPAL AUDITORS**

**GENERAL CRITERIA:** The Township of Berlin desires to appoint a firm of certified public accountants to act as municipal auditors for the Township of Berlin. Applicant should demonstrate knowledge of municipal auditing laws and regulations and experience in providing advice to municipal entities on records compliance issues. Any experience or knowledge of matters that directly affect the Township of Berlin should be addressed.

### **MANDATORY MINIMUM REQUIREMENTS:**

1. The firm must employ a minimum of ten (10) certified public accountants who have been licensed in that capacity for a period of not less than seven (7) years each prior to the date of appointment.
2. The firm must employ a minimum of five (5) registered municipal accountants licensed and qualified in that capacity for a minimum of five (5) years each prior to the appointment
3. Must have a minimum of ten (10) years' experience in providing auditing services to municipalities within the State of New Jersey.
4. Must maintain a current principal office within the State of New Jersey.
5. Must describe any special services available to municipal clients.
6. Must list all past and present municipal clients.
7. Must provide hourly billing rates for employees possibly assigned to service the Township of Berlin.

### **TOWNSHIP APPRAISER**

**GENERAL CRITERIA:** The Township desires to appoint an appraiser to perform real estate appraisal services on an as needed basis. The Township is in the process of implementing a number of projects that involve plans for a new municipal building, redevelopment, and other forms of development. The appraisals are to conform to the Uniform Standards of Professional Appraisal Practice (USPAP) adopted by the Appraisal Standards Board of the Appraisal Foundation. The Township may after appointment request lump sum quotations for each property in addition to the hourly prices that are obtained from this request. Unless otherwise specified by the Township in the work

order, each appraisal report must be prepared in the form and content of the "complete appraisal reported in a summary format" (as defined by USPAP) within a reasonable time period prescribed by the Township. The purpose and function of the report may be to enable the Township to determine the correct fair market value of a particular parcel and/or to offer "just compensation" (as defined by NJ law in eminent domain proceeding) to the property owner. The appraiser shall not engage the services of any subcontractor or agents without prior notice and prior written approval of the Township.

**MANDATORY MINIMUM REQUIREMENTS:**

- 1) The applicant must be a NJ State Certified Real Estate Appraiser qualified as such for a period of not less than (10) years prior to appointment.
- 2) The applicant must have a minimum of ten (10) years experience in appraising real property in the County of Camden.
- 3) The applicant must have a minimum of ten (10) years experience in expert testimony before judicial or quasi-judicial entities or must have demonstrable experience as an appraiser establishing values for the purpose of condemnation matters.
- 4) The applicant must list past and present municipal or governmental authorities represented.
- 5) The applicant must maintain a bona fide principal office in the State of New Jersey.
- 6) For other services such as court appearances, expert testimony and possible meetings and presentations the applicant must provide hourly billing rates of all employees possibly assigned to the Township of Berlin.

**SPECIAL LABOR COUNSEL**

**GENERAL CRITERIA:** The Township of Berlin desires to appoint a special labor attorney, where requested, to provide legal guidance and representation to the Township in legal matters concerning contract negotiations with the Township's collective bargaining units. Applicants should demonstrate knowledge of general New Jersey municipal law, New Jersey municipal contract law as it relates to labor matter, and specialize in the area of labor relations, negotiations, mediation and arbitration. Any experience or knowledge of matters directly affecting the Township of Berlin should be addressed.

**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey for a period of not less than ten (10) years preceding the proposed appointment, and eligible to appear before all state and federal courts in New Jersey, as well as New Jersey administrative agencies and the Office of Administrative Law.
2. Must have a minimum of seven (7) years experience in the general representation of municipal governments or municipal authorities as a labor attorney.
3. Must list past and present municipal or government authorities represented.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must have sufficient support staff available to provide labor related legal services required by the Township including, but not limited to, negotiations with collective bargaining units, mediation and arbitration.
6. Must provide hourly billing rates of employees possibly assigned to service the Township of Berlin.

### **INSURANCE CONSULTANT**

**GENERAL CRITERIA:** The Township of Berlin desires to appoint a risk management consultant to assist the Township in dental, health, prescription benefits, along with identifying and scheduling its insurable property and casualty exposures. Also to assist the Township in understanding the various coverages available from the Camden County Joint Insurance Fund and the MEL Excess Liability Joint Insurance Fund, as well as perform any other risk management related services required by the Fund's by laws. The Consultant will assist the Township in procuring and awarding, dental, health and prescription insurance. In addition, the consultant shall review any additional coverage that the consultant feels should be carried, but are not available from the Fund and subject to the Township's authorization, place such coverages outside the Fund. The consultant may also review certificates of insurance from contractors, vendors and professionals when requested by the Township, as well as review loss and engineering reports and assist where needed in the settlement of claims.

### **MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice as an insurance producer in the State of New Jersey for a period of not less than seven (7) years preceding the proposed appointment.
2. Must have a minimum of seven (7) years experience as a risk management consultant of municipal governments or municipal authorities.

3. Must list past and present municipal or government authorities represented.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must have sufficient support staff available to provide risk management consulting services required by the Township.
6. Must provide a flat fee amount to be billed for services for the year. The fee can not be based on a percentage of the Township's Joint Insurance Fund Assessment, as recommended by the Best Practices Inventory required to be filed by the CFO and the Township with the State of New Jersey Division of Local Government Services.

### **PROJECT ENGINEER**

**GENERAL CRITERIA:** The Township of Berlin desires to appoint a firm to provide engineering services for specified projects to the Township on an as needed basis. Applicants should demonstrate knowledge and experience with respect to all aspects of engineering services required by a municipal entity. Any experience or knowledge of matters that directly affect the Township of Berlin should be addressed.

### **MANDATORY MINIMUM REQUIREMENTS:**

1. Must be certified to provide engineering services in the State of New Jersey.
2. Must have a minimum of seven (7) years experience in providing consulting services to municipalities including demonstrated experience with road programs, drainage improvement projects, combined sewer projects, utility upgrades and replacement, public building improvement programs, recreational facilities, land surveying and mapping projects.
3. Must be experienced in obtaining permits and approvals from various state, county and local regulatory agencies.
4. Must maintain a staff of New Jersey licensed or certified professionals sufficient to service the Township of Berlin including, but not limited to: civil engineers, land surveyors, planners, environmental scientists and construction Clerks.
5. Must maintain a principal office location in close proximity to the Township of Berlin so as to be able to respond to emergent matters promptly.
6. Must be experienced in the preparation of grant applications.

7. Must have project managers with at least seven (7) years of municipal experience.
8. Must list past and present municipalities served as Project Engineer.
9. Must provide hourly billing rates for employees possibly assigned to service the Township of Berlin.

### **PROFFESIONAL PLANNER**

**GENERAL CRITERIA:** The Township of Berlin desires to appoint a firm to provide Professional Planner services for specified projects to the Township on an as needed basis.

### **MANDATORY MINIMUM REQUIREMENTS:**

1. The individual, which will be responsible for the professional planning services for the Township, must be a New Jersey Licensed Professional Planner, in good standing and certified with and a member of the American Institute of Certified Planners.
2. The Professional Planner, to be appointed by the Township, must be in responsible charge of all land planning services, attending all meetings and participating in all conversations, regarding professional land planning services, with representatives of the Township, County and State departments and agencies. The appointed Professional Planner shall make all presentations to the Township Governing Body and Planning Board and State and County departments and agencies.
3. The appointed Professional Planner shall have a minimum of twelve (12) years of experience of performing professional planning services for, at least ten (10) municipalities within New Jersey and preferably with municipalities with Southern New Jersey and more particularly within Camden County, New Jersey. The planning services include, but are not limited to, review of development plans; review of existing and preparation of master plans, reexamination rehabilitation reports; evaluation of existing land uses and conditions; knowledgeable in current and projected development trends and the review of existing and preparation of zoning and land use ordinances.
4. The appointed Professional Planner shall have a minimum of twelve (12) years of experience and expertise, regarding the past and current laws and regulations on affordable housing in New Jersey including, but not limited to, N.J. Fair Housing Act. N.J. Council on Affordable Housing and decisions of the New Jersey Courts.

5. The appointed Professional Planner shall have a minimum of twelve (12) years of experience and expertise, regarding redevelopment laws and regulations in New Jersey including, but not limited to, evaluation of the conditions of lands and buildings; performance, preparation and presentation of redevelopment and rehabilitation studies and plans and redeveloper's agreements; P.I.L.O.T. arrangements; funding programs for redevelopers through the State agencies and assisting municipal governing bodies and planning boards with the required redevelopment processes and respective legislative actions.
6. The appointed individual must be knowledgeable in the regulations established by the New Jersey Pinelands Comprehensive Management Plan and must have a working relationship with current, key staff members of the Pinelands Planning Department.
7. Must have a minimum of ten (10) years of experience in the performance of land planning services for private residential, commercial and mixed-use developments in New Jersey.
8. The appointed individual must be available to attend meetings, in-person, during normal business hours and Council and Planning Board Meetings, during the evening hours.
9. The appointed Professional Planner must be an effective communicator, written and verbally.

### **MUNICIPAL REDEVELOPMENT ATTORNEY**

**GENERAL CRITERIA:** The Township of Berlin is in need of legal services to represent and assist the Township of Berlin in matters of redevelopment. Such services shall include correspondences, legal research, preparation of ordinances and resolutions, preparation of contracts, negotiations, meetings, hearings, litigations and any other services rendered on behalf of the Township of Berlin.

### **MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey for a period over 10 years in the area of redevelopment and eligible to appear before all state and federal courts in New Jersey, as well as New Jersey administrative agencies and the Office of Administrative Law.
2. Must have a minimum of seven (7) years experience in the general representation of municipal governments or municipal authorities.
3. Must list past and present municipal or government authorities represented.
4. Must maintain a bona fide principal office in the State of New Jersey.

5. Must have sufficient support staff available to provide all general legal services required by the Township including, but not limited to, legal research, preparation of resolutions, preparation of ordinances, preparation of contracts and other legal documents.

6. Must provide hourly billing rates of employees possibly assigned to service the Township of Berlin.

Catherine Underwood  
Berlin Township, RMC

a)

**STATEMENT OF OWNERSHIP DISCLOSURE**

**N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)**

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

**Name of Organization:** \_\_\_\_\_

**Organization Address:** \_\_\_\_\_

**Part I** Check the box that represents the type of business organization:

- ☐ Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- ☐ Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- ☐ For-Profit Corporation (any type)    ☐ Limited Liability Company (LLC)
- ☐ Partnership    ☐ Limited Partnership    ☐ Limited Liability Partnership (LLP)
- ☐ Other (be specific): \_\_\_\_\_

**Part II**

- ☐ 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. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

**OR**

- ☐ 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 no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

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

| Name of Individual or Business Entity | Home Address (for Individuals) or Business Address |
|---------------------------------------|----------------------------------------------------|
|                                       |                                                    |
|                                       |                                                    |
|                                       |                                                    |
|                                       |                                                    |

**Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II**

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. Attach additional sheets if more space is needed.

| Website (URL) containing the last annual SEC (or foreign equivalent) filing | Page #'s |
|-----------------------------------------------------------------------------|----------|
|                                                                             |          |
|                                                                             |          |
|                                                                             |          |

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II other than for any publicly traded parent entities referenced above. 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 pursuant to N.J.S.A. 52:25-24.2 has been listed. Attach additional sheets if more space is needed.

| Stockholder/Partner/Member and Corresponding Entity Listed in Part II | Home Address (for Individuals) or Business Address |
|-----------------------------------------------------------------------|----------------------------------------------------|
|                                                                       |                                                    |
|                                                                       |                                                    |
|                                                                       |                                                    |

**Part IV Certification**

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the Township of Berlin is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Township of Berlin to notify the Township of Berlin in writing of any changes to the information contained herein; 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 am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the Township of Berlin to declare any contract(s) resulting from this certification void and unenforceable.

|                    |  |        |  |
|--------------------|--|--------|--|
| Full Name (Print): |  | Title: |  |
| Signature:         |  | Date:  |  |

b)

# NON-COLLUSION AFFIDAVIT

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  
(title of bid proposal)

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

\_\_\_\_\_  
Signature

\_\_\_\_\_, 2\_\_\_\_

(Type or print name of affiant under signature)

Notary public of \_\_\_\_\_

My Commission expires \_\_\_\_\_

(Seal)

c)

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

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

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

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

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

OR

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

OR

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

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

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

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

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

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

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

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

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

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

d)

## EXHIBIT A

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

#### GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

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

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

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

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

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

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

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, 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 applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

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

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

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

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

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

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

2)

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

The contractor and the Township of Berlin, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. §12101 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 owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

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

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

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

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

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

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

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

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

f)

| STANDARD BID DOCUMENT REFERENCE |                                              |
|---------------------------------|----------------------------------------------|
|                                 | REFERENCE: VII-I                             |
| Name of Form:                   | FORMS TO BE PROVIDED BY ELEC                 |
| Statutory Reference:            | N.J.S.A. 19:44A-20.27 (P.L. 2005, c.271,S.3) |
| Instructions Reference:         | Statutory and Other Requirements VII         |
| Description:                    | Disclosure of Contributions to ELEC          |

#### Disclosure of Contributions to New Jersey Election Law Enforcement Commission (ELEC)

N.J.S.A. 19:44A-20.27 establishes a new disclosure requirement for business entities. It requires that, when a business entity has received in any calendar year \$50,000 or more in public contracts with public entities, it must file an annual report with the Election Law Enforcement Commission (ELEC). The report shall disclose any contribution of money or any other thing of value, including an in-kind contribution, or pledge to make a contribution of any kind:

- To a candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, or,
- To a political party committee, legislative leadership committee, political committee or continuing political committee.

The report will include all reportable contributions made by the business entity during the 12 months prior to the reporting deadline. ELEC will be promulgating a form and procedures for filing commencing in January 2007. ELEC can also impose fines for failure to comply with this requirement.

While the local unit has no role in this process, it is recommended that all bid or proposal specifications and contracts should include language notifying business entities of their potential obligation under the law. Such language could read as follows:

Starting in January 2007, all business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of \$50,000 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at [www.elec.state.nj.us](http://www.elec.state.nj.us).

| STANDARD BID DOCUMENT REFERENCE |                                                                                                                     |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------|
|                                 | Reference: VII-D                                                                                                    |
| Name of Form:                   | BUSINESS REGISTRATION CERTIFICATE                                                                                   |
| Statutory Reference:            | N.J.S.A. 52:32-44 (P.L. 2004, c.57)                                                                                 |
| Instructions Reference          | Statutory and Other Requirements VII-D                                                                              |
| Description:                    | Contractor must provide State Division of Revenue Issued Business Registration Certificate with the bid submission. |

Detailed information on this requirement is found in Division of Local Government Services Local Finance Notices 2004-17 (8/8/04), 2004-24 (11/1/04), 2005-12 (4/27/05) and on the Division web site at [www.nj.gov/dca/lgs/lpc/](http://www.nj.gov/dca/lgs/lpc/). These resources and a Frequently Asked Questions resource should be consulted when questions arise.