

**\*\*PLEASE NOTE\*\***

In person drop-off hours are Monday- Friday between the hours of 10:00AM - 4:00PM.  
**You must adhere to all Covid-19 guidelines.** All submissions may be mailed or handed directly to the Borough Clerk or an employee of the Municipality along with delivery confirmation.  
We are **NOT RESPONSIBLE** for deliveries.



# **BOROUGH OF EAST NEWARK**

## **REQUEST FOR QUALIFICATIONS**

## **MUNICIPAL PROSECUTOR SERVICES**

### **SUBMISSION DEADLINE**

**4:00 pm  
TUESDAY, FEBRUARY 1, 2022  
BOROUGH CLERK'S OFFICE**

### **ADDRESS ALL SUBMISSIONS TO:**

**BOROUGH CLERK'S OFFICE  
BOROUGH HALL,  
34 SHERMAN AVENUE  
EAST NEWARK, NEW JERSEY 07029**

**ATTN: KEVIN D. HARRIS, BOROUGH CLERK**

## **GENERAL INFORMATION & SUMMARY**

### **ORGANIZATION REQUESTING QUALIFICATIONS SUBMISSION**

BOROUGH OF EAST NEWARK  
34 SHERMAN AVENUE  
EAST NEWARK, NEW JERSEY 07

### **CONTACT PERSON**

KEVIN D. HARRIS  
BOROUGH CLERK  
(973) 481-2902, EXT. 237  
CLERK@BOROUGHOFEASTNEWARK.COM

### **PURPOSE OF REQUEST**

The Borough of East Newark is requesting submissions from qualified individuals and firms to provide services of a specialized nature to the Borough as Municipal Prosecutor. Submissions will be evaluated in accordance with the criteria set forth in this RFQ. One or more individuals/firms may be selected to provide services.

### **PERIOD OF CONTRACT**

January 1, 2022 through and including December 31, 2022, or until a successor is selected and qualified; whichever occurs later in time.

### **CONTRACT FORM**

The successful candidates qualified shall be required to execute the Borough's form contract, which includes the indemnification, insurance, termination and licensing provisions. A complete copy of a draft Borough form contract is available upon request.

It is also agreed and understood that the acceptance of the final payment by Contractor shall be considered a release in full of all claims against the Borough arising out of, or by reason of, the work done and materials furnished under any Contract awarded.

**DETAILED REQUIREMENTS OF THE  
REQUEST FOR QUALIFICATIONS FOR MUNICIPAL PROSECUTOR SERVICES**

1. BOROUGH OF EAST NEWARK FACTS AND FIGURES – The Borough of East Newark is a municipal governmental entity. The Borough was incorporated in 1895. The Borough is governed by the Borough Council which is made up of six members, and the Mayor. The mayor and council representative are elected by the entire borough. The Borough's population is approximately 2,644 and it consists of approximately 0.13 square miles of area. The Borough employs numerous individuals in different departments and agencies. It owns various buildings, and parks and recreation facilities throughout the Borough. The Borough government provides significant and diverse services to its residents and community members and neighbors.
2. NATURE/ SCOPE OF SERVICES – The Borough of East Newark is requesting qualification statements for Legal Services as Municipal Prosecutor.

The Borough of East Newark is required to provide a Municipal Prosecutor. Counsel will be assigned and required to provide representation in all aspects of Municipal Prosecutor work in the East Newark Municipal Court.

3. STANDARD REQUIREMENTS OF TECHNICAL RESPONSE - Candidates should submit a technical response which contains the following:
  - A. The name of the submitting candidate(s), the principal place of business and, if different, the place where the services will be provided.
  - B. Submitting candidates must have a minimum of five (5) years of experience in Municipal Court matters, representing individuals and/or entities charged with Municipal Court offenses and prior or existing service as a Municipal Prosecutor and/or Acting Municipal Prosecutor.
  - C. The education, qualifications, experience, and training of all persons who would be assigned to provide services along with their names and titles. The submitting candidate(s) must be an Attorney-at-Law in the State of New Jersey in good standing.
  - D. A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other municipal governments and other levels of government. Contact information for the recipients of the similar services must be provided. The Borough may obtain references from any of the parties listed. A description of all other areas of municipal legal services of the submitting candidate(s), with emphasis on a description of those services of interest to a municipal government client.

- E. A Statement that neither the firm nor any individuals assigned to this engagement are suspended, or otherwise prohibited from professional practice by any federal, state, or local agency.
- F. An Affirmative Action Statement (copy of form attached).
- G. A completed Non-Collusion Affidavit (copy of form attached).
- H. A statement that the submitting candidate(s) will comply with the General Terms and Conditions required by the Borough and enter into the Borough's standard Professional Services Contract.
- I. A copy of the submitting candidate's Business Registration Certificate.

4. COST SUBMISSION / EVALUATION – Submitting candidate(s) should submit a cost evaluation which would include any proposed retainer, the services to be provided for the retainer, if services will be provided at a flat rate, if all or any services will be billed through hourly rates and what are the established rate(s). Generally, Municipal Prosecutors are paid on a “per session” basis and the Borough reserves the right to negotiate and establish the final rate to be paid. The Borough does not provide payment for or reimbursement for travel expenses.

5. SUBMISSION EVALUATION – The Borough will select the most advantageous qualification statements based on all of the evaluation factors set forth at the end of this RFQ. The Borough will make the award(s) that is in the best interest of the Borough.

Each statement submitted must satisfy the objectives and requirements detailed in this RFQ. The successful candidate(s) shall be determined by an evaluation of the total content of the qualification statements submitted. The Borough reserves the right to:

- a. Not select any of the qualification statements submitted.
- b. Select only portions of a particular candidate's submission for further consideration. (However, candidates may specify portions of the submission that they consider “bundled”).
- c. Award a contract for the requested services at any time within 90 days of the selection of the most advantageous qualification statement. Every qualification statement should be valid through this time period.

The Borough shall not be obligated to explain the results of the evaluation process to any candidate who submits.

The Borough may require submitting candidate(s) to demonstrate any services described in their qualification statement prior to award.

6. SUBMISSION LIMITATIONS – This RFQ is not intended to be a solicitation of bids, request for proposals, an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the Borough by issuance of this RFQ. The Borough reserves the right at the Borough’s sole discretion to refuse any qualification statement submitted.

7. USE OF INFORMATION – Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like (“Information”) furnished or disclosed by the Borough to the candidate(s) in connection with this RFQ shall remain the property of the Borough. When in tangible form, all copies of such information shall be returned to the Borough upon request. Unless such information was previously known to the candidate(s), free of any obligation to keep it confidential, or has been or is subsequently made public by the Borough or a third party, it shall be held in confidence by the candidate(s), shall be used only for the purposes of this RFQ, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

8. GENERAL TERMS AND CONDITIONS –

- A. The Borough reserves the right to reject any or all submissions, if necessary, or to waive any informalities in the submissions, and, unless otherwise specified by the submitting candidate, to accept any item, items or services in the submissions should it be deemed in the best interest of the Borough to do so.
- B. In case of failure by the successful candidate(s), the Borough of East Newark may procure the articles or services from other sources, deduct the cost of the replacement from money due to the successful candidate under the contract and hold the successful candidate responsible for any excess cost occasioned thereby.
- C. The proposer shall maintain sufficient insurance to protect against all claims under Workmen's Compensation, General, Professional and Automobile Liability.
- D. Each submission must be signed by the person authorized to do so.
- E. The contract shall be in effect through December 31, 2022 unless otherwise stated (particularly until a successor is appointed and qualified).
- F. Sealed submissions may be hand delivered or mailed consistent with the provisions of the legal notice to the submitting candidates. In the case of mailed submissions, the Borough assumes no responsibility for submissions received after the designated date and time and will return late submissions unopened. Submissions will not be accepted by facsimile or e-mail.

- G. In accordance with Affirmative Action Law, P.L. 1975, c.127 (N.J.A.C. 17:27) with implementation of July 10, 1978, successful candidates qualified and selected must agree to submit individual employer certifications and number or complete Affirmative Action employee information report (form AA-302). Also, during the performance of this contract, the contractor agrees as follows: (a) the contractor or subcontractor where applicable, will not discriminate against any employee because of age, race, creed, color, national origin, ancestry, marital status or affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex or handicap. 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 section for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the Public Agency Compliance Officer setting forth provisions of this non-discrimination clause: (b) 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, sex or handicap; (c) 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 worker's representative of the contractor's commitments under this act and shall post copies of the notice; (d) the contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the treasurer pursuant to the P.L. 1975, c.127, as amended and supplemented from time to time.
- H. By submission of the qualification statement, the submitting candidate certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and the successful candidate shall, at its expense, defend any and all actions or suits charging such infringement, and will save the Borough harmless in any case of any such infringement.
- I. No submitting candidate shall influence, or attempt to influence, or cause to be influenced, any Borough officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- J. No submitting candidate shall cause or influence, or attempt to cause or influence, any Borough officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the submitting candidate or any other person.

- K. Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the existing Borough Legal Counsel's (or designee) decision shall be final and conclusive.
- L. The Borough of East Newark shall not be responsible for any expenditure of monies or other expenses incurred by the submitting candidate in making its submission.
- M. The checklist, affidavits, notices and the like presented at the end of this Request for Qualifications are a part of this Request for Qualifications and shall be completed and submitted as part of this proposal.

**END OF GENERAL INSTRUCTIONS**

**BASIS OF AWARD**  
**(To be completed by Borough evaluation committee)**

**EVALUATION FACTORS**

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- A. Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned.
- B. Knowledge of the Borough of East Newark and the subject matter to be addressed under this engagement.
- C. Relevance and Extent of Similar Engagements performed.
- D. Technical Proposal contains all required information.
- E. Reasonableness of Cost Submission/Evaluation.



**REQUEST FOR QUALIFICATIONS CHECKLIST**

THIS CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH YOUR PROPOSAL:

**Please initial below, indicating that your proposal includes the itemized document. A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR REFUSAL.**

INITIAL BELOW

- A. An original and ONE (1) signed copy of your complete proposal. \_\_\_\_\_
- B. Non-Collusion Affidavit properly notarized \_\_\_\_\_
- C. Authorized signatures on all forms. \_\_\_\_\_
- D. Business Registration Certificate(s) \_\_\_\_\_
- E. Affirmative Action Statement \_\_\_\_\_
- F. Statement of Ownership \_\_\_\_\_

Note: N.J.S.A. 52:32-44 provides that the Borough shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors at the time that it submits its proposal. The contracting party must also collect the state use tax where applicable.

**THE UNDERSIGNED HEREBY ACKNOWLEDGES  
THE ABOVE LISTED REQUIREMENTS.**

NAME OF PROPOSER: \_\_\_\_\_

Person, Firm or Corporation

BY: \_\_\_\_\_

(NAME) \_\_\_\_\_

(TITLE) \_\_\_\_\_

## 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 ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, 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.

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

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance)).

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

**Americans with Disabilities Act of 1990, Equal opportunity for individuals with disability.**

The contractor and the Borough of East Newark, (hereafter "Borough") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S121 01 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 there unto, are made a part of this contract. In providing any

aid, benefit, or service on behalf of the Borough 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 Borough in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the Borough, 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 Borough's grievance procedure, the contractor agrees to abide by any decision of the Borough which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Borough, or if the Borough 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 Borough 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 Borough or any of its agents, servants, and employees, the Borough shall expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the Borough or its representatives.

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

It is further agreed and understood that the Borough 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 Borough from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

**The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.**

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

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

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

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

## **“New Jersey Business Registration Requirements”**

All bidders shall comply with P.L. 2009, C315 in accordance with N.J.S.A. 52:32-44 as amended on January 18, 2010. The bidder will be required to be registered as defined in the law at the time of contract. The Borough of East Newark encourages the bidder to submit the proof with it’s bid.

In response to a request for bids or a request for proposals for goods and services, a bidder shall include proof of its own business registration and proofs of business registration of those subcontractors required to be listed in the contractor’s submission (i.e., “named subcontractors.”) The proof of business registration shall be provided at the time the bid or proposal is officially received and opened by the contracting agency.

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that knowingly provide goods or perform services for a contractor fulfilling this contract: 1) the contractor shall provide written notice to its subcontractors to submit proof of business registration to the contractor; 2) prior to receipt of final payment from a contracting agency, the contractor must submit to the contracting agency an accurate list of all subcontractors or attest that none was used; 3) during the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements is available by calling (609) 292-9292.

### **Registering a business with the New Jersey Department of the Treasury**

Business organizations or individuals doing business in New Jersey are required to register with the department of the treasury, division of revenue. Registration is free and is a one-time action – there are no fees to register. However, you should update your contact and tax eligibility information as needed. Registration is required to conduct most business with any state, County, municipal, local board of education, charter school, County college, authority, or state college or university. The contracting agency may be required to have a copy of the “proof of registration certificate” submitted as part of a public bid or prior to issuing a purchase order.

**To register:** businesses must complete **form NJ-REG** and submit it to the division of revenue. The form can be filed form online or by mailing a paper form to the division. Online filing is strongly encouraged.

- ➔ Register online at <http://www.state.nj.us/treasury/revenue/busregcert.shtml>. Click the “online” link and then select “register for tax and employer purposes.”
- ➔ Download the paper form and instructions at [www.state.nj.us/treasury/revenue/revprnt.shtml](http://www.state.nj.us/treasury/revenue/revprnt.shtml).
- ➔ Call the division at 609-292-1730 to have a form mailed to you.

Write to the division at: Client Registration Bureau, Po Box 252, Trenton, NJ 08646-0252

### **Pay to Play Requirements**

This agreement is governed by the laws of the state of New Jersey involving political contributions and, in particular, what is commonly known as the New Jersey “Pay to Play” Law, N.J.S.A. 19:44a-20.3, et seq. Compliance with this statute is a material term of the agreement.

The vendor further understands that if the value of the agreement is in excess of \$50,000, the consultant is required to complete and file with the election law enforcement commission, an annual report on a form to be designated by the commission, pursuant to N.J.S.A. 19:44a-20.27. The consultant agrees to file a copy of the report simultaneously with the Borough of Roselle Council and the Borough of East Newark Purchasing Agent.

The vendor agrees that the agreement is voidable if it has not complied with all campaign contributions laws and if any of the representations it has made are untrue. If you have any questions please contact ELEC at: 1-888-313-ELEC (toll free in NJ) or 609-292-8700.

An analyst from ELEC’s Special Programs Section will assist you.

**NON-COLLUSION AFFIDAVIT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

SS:

I AM \_\_\_\_\_

OF THE COMPANY/FIRM OF \_\_\_\_\_

UPON MY OATH, I DEPOSE AND SAY:

1. THAT I EXECUTED THE SAID PROPOSAL WITH FULL AUTHORITY SO TO DO;
  
2. THAT THIS PROPOSER HAS NOT, DIRECTLY OR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FAIR AND OPEN COMPETITION IN CONNECTION WITH THIS ENGAGEMENT;
  
3. THAT ALL STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THIS AFFIDAVIT ARE TRUE AND CORRECT, AND MADE WITH FULL KNOWLEDGE THAT THE BOROUGH OF EAST NEWARK 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 ENGAGEMENT; AND
  
4. THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED TO SOLICIT OR SECURE THIS ENGAGEMENT AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE, EXCEPT BONA FIDE EMPLOYEES OR BONA FIDE ESTABLISHED COMMERCIAL SELLING AGENCIES OF THE PROPOSER. (N.J.S.A. 52: 34-25).

SUBSCRIBED AND SWORN TO BEFORE ME

THIS DAY OF \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(TYPE OR PRINT NAME OF AFFIANT UNDER SIGNATURE)

\_\_\_\_\_  
NOTARY PUBLIC OF \_\_\_\_\_

MY COMMISSION EXPIRES:

\_\_\_\_\_.



## NOTICE

No corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any materials or supplies, unless, prior to the receipt of the qualification statement / proposal or accompanying the qualification statement / proposal of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten (10) percent or more of its stock of any class, or of all individual partners in the partnership who own a ten (10) percent or greater interest therein. Form of Statement shall be completed and attached to the qualification statement / proposal.

The Attorney General has concluded that the provisions of N.J.S.A. 52:25-24.2, in referring to corporations and partnerships, are intended to apply to all forms of corporations and partnerships, including, but not limited to, limited partnerships, limited liability corporations, limited liability partnerships, and Subchapter S corporations.

Requires submitters / proposers / bidders to disclose whether they are a partnership, corporation or sole proprietorship. Form shall be completed, signed and notarized. Failure of the submitter / proposer to submit the required information is cause for automatic rejection of the submission / proposal.

**STATEMENT OF OWNERSHIP**  
**(OWNERSHIP DISCLOSURE CERTIFICATION)**

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 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: \_\_\_\_\_

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Name: \_\_\_\_\_

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**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.

\_\_\_\_\_  
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SUBSCRIBED AND SWORN TO BEFORE ME

THIS DAY OF \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_

NOTARY PUBLIC OF \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_.

\_\_\_\_\_  
(TYPE OR PRINT NAME OF AFFIANT UNDER SIGNATURE)  
(Corporate Seal if a Corporation)