

# **Eatontown Sewerage Authority (ESA)**

## **REQUEST FOR PROPOSALS**

**FOR**

**BOND COUNSEL**

**PROPOSAL OPENING DATE: January 24, 2025 AT 10:00 AM EST**

**FAIR AND OPEN PROCESS IN ACCORDANCE WITH  
N.J.S.A. 19:44A-20.5 et seq.**

Eatontown Sewerage Authority  
47 Broad Street  
Eatontown, NJ 07724  
Phone: (732) 389-5603  
Email: [www.theesa.org](http://www.theesa.org)

## **NOTICE TO BIDDERS**

### **REQUEST FOR PROPOSALS Eatontown Sewerage Authority**

Notice is hereby given that Sealed Proposals will be received by the Eatontown Sewerage Authority on Friday, January 24, 2025, at 10:00 A.M. at the Authority Office located at 47 Broad Street, Eatontown, NJ 07724, and at that time and place, publicly opened and read, for the following professional services:

#### **Bond Counsel**

Proposals are being solicited through a Fair and Open process in accordance with N.J.S.A. 19:44A-20.5 et seq. The Request for Proposals (RFP) package may be obtained at the Authority Office located at 47 Broad Street, Eatontown, NJ 07724 between the hours of 8:30 A.M. and 3:30 P.M. Monday through Friday or obtained online via email request at [mhu@theesa.org](mailto:mhu@theesa.org). All questions regarding the RFP must be made in writing and directed to Michelle Hu at [mhu@theesa.org](mailto:mhu@theesa.org). Submissions must be made in the form required by the RFP, and one (1) printed original and one electronic copy (PDF Format) must be delivered to Executive Director, Robert A. Villée prior to the time for the receipt of Request for Proposals on Friday, January 24, 2025, at 10:00 A.M. at the Authority Office located at 47 Broad Street, Eatontown, NJ 07724. All information requested in the Request for Proposals must be provided or the submission may be disqualified. Submissions must be made in a sealed envelope and plainly marked on the outside of the sealed envelope with the name and address of the Bidder and the services for which the Proposal is submitted. The Eatontown Sewerage Authority reserves the right to reject any and all submissions, to waive any informalities or irregularities in the Request for Proposals process, to reject any and/or all bids as in its judgment may best serve the interest of the Authority and to accept any submissions which, in their judgment, are most advantageous, price and other factors considered, and will best serve the interest of the ESA. Submitters are required to comply with the requirements of N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27.

BY ORDER OF EATONTOWN SEWERAGE AUTHORITY

KENNETH EAST, CHAIRMAN

## **REQUEST FOR PROPOSAL BOND COUNSEL**

### **A. PROJECT BACKGROUND**

The Eatontown Sewerage Authority (the Authority) provides sanitary collection services to Eatontown, located in Monmouth County, New Jersey. The Authority maintains a Professional Staff to provide guidance to assure proper compliance with Federal and State regulations and to protect the Health and Safety of its residents. The proper day-to-day management and effective General Relations of its employees is essential in achieving the Authority's goals.

### **B. SCOPE OF WORK**

The Authority is issuing this request for proposals (RFP) via a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. The Authority's Bond counsel may be an individually licensed attorney or law firm that is responsible for participating in:

Bond Counsel services shall include, but not be limited to:

- a) on an as needed basis prepares, reviews and opines on bond ordinances related to capital projects;
- b) assists in reviews and updates of official statements associated with debt issuances;
- c) attends bid openings and assists in analyzing bids to determine final award;
- d) assists in relationship management with rating agencies;
- e) provides advice on legal and financial matters to ensure Township's fiscal strengths;
- f) provides legal opinions on sale of bonds and notes; and
- g) attends meetings when requested

The position of shall be compensated at an hourly rate plus out - of - pocket expenses

All rates shall be valid for the term of the contract.

Multiple qualified attorneys or law firms may be appointed and assigned to cases as needed.

***Please complete the attached "Form , Proposal Form –" BOND COUNSEL "and submit with the firm's proposal.***

### **C. QUALIFICATIONS**

The following information should be submitted with the proposal:

1. A list of individuals who will be performing the work accompanied by resumes detailing relevant education and experience.
2. Full name and business address.
3. A listing of all comparable services being proposed that have been completed in the past five (5) years. Contact information for the recipients of similar services must be provided. The Authority may obtain references from any of the parties listed.
4. A listing of any professional affiliations or memberships in any professional societies or organization, including any offices or honors held.

5. Any other position that the applicant may be applying for within the Authority, which is the subject of another request for qualifications.
6. Detailed hourly rates or lump sum fees, including the hourly rates of each of the individuals who will perform services and any charges for additional services not included in hourly rates or annual fees.
7. Experience statement of relevant and related work as it pertains to this contract.

#### **D. FAIR AND OPEN CRITERIA**

##### **STANDARDIZED SUBMISSION REQUIREMENTS & SELECTION CRITERIA (Fair and Open Public Solicitation Process for Professional Services)**

The fair and open process shall be as follows:

1. The solicitation of proposals for any contract to be determined in excess of \$17,500.00, and for which a bid solicitation shall not be required under the Local Public Contracts Law shall be published and advertised by the Authority either in the official newspaper or on the Authority website at least ten (10) days prior to the date set for the receipt of said request. The published notice shall set forth a description of the requested goods or services, the time, date and place that proposals must be submitted, the contact information for obtaining a proposal document, and a statement that the proposals are being solicited through the fair and open process, in accordance with N.J.S.A. 19:44A-20.5 et seq.
2. The Authority shall review the responses to the request for proposals and appoint or award a contract to a business entity for the goods or services advertised subsequent to such review. Contracts awarded under this process shall be publicly announced and awarded. The resolution awarding the contract shall state that the contract was awarded after a fair and open process and shall state the number of responses received.
3. Contracts subject to the fair and open process delineated herein are subject to additional requirements and any other applicable laws including, but not limited to, the Local Public Contracts Law.

#### **E. SELECTION CRITERIA**

The selection criteria to be used in awarding a contract for services shall include:

1. Qualifications and experience of the firm, and the qualifications and experience of the individuals who will perform the tasks and the amount of their respective participation.
2. Experience of the firm, and the experience of the individuals as it relates to the particular expertise required to perform the contract and the services requested by the Authority.
3. Experience with and specific knowledge of the Eatontown Sewerage Authority as it pertains to this contract.
4. Ability to perform tasks in a timely fashion, including staffing and familiarity with the subject matter and the Authority.
5. Experience and familiarity of staff with current New Jersey statues and regulations governing the subject matter as it pertains to this contract.

6. Experience and familiarity with the regulations, rules and procedures of the regulatory agencies having jurisdiction over the Eatontown Sewerage Authority.
7. References
8. Recent, current, and projected workload of the individual or firm.
9. Thoroughness and completeness of the individual's or firm's proposal submittal.
10. Compensation proposal, including, but not limited to fee schedule/proposal to be charged, fees paid by authorities of similar size and make-up for comparable level of services, and if applicable, cost that would be incurred by the Authority to contract with a new firm (i.e. estimated cost for current firm to review and close out all files, and new firm to review and get up to speed on all open files).

## **F. INSURANCE REQUIREMENTS**

During the life of this Contract, the General Counsel shall maintain the following insurance coverage:

1. Professional Liability Practice Policy with limits of \$1,000,000.00 per claim and \$1,000,000.00 aggregate.
2. Commercial General Liability Insurance with limits of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate. The Authority and its Commissioners, Staff and Consultants shall be named as additional insured.
3. Workers Compensation Insurance at statutory limits.
4. Automobile Liability Insurance with limit of \$2,000,000.00 per occurrence combined single limit.
5. Non-Owned Automobile Liability Insurance, including coverage for hired and leased vehicles, with limits of \$1,000,000.00 per occurrence.

The General Counsel shall indemnify and save harmless, the Authority and the Authority's agents, and employees, from and against all losses and claims, demands, payments, suits, actions, recoveries, and judgments of every nature and description brought or recovered against them by reasons of any act or omission of the said Contractor, their subcontractors, their agents, or their employees, in the execution of the work or in guiding same. Proof of coverage shall be provided prior to execution of Agreement with the Authority.

## **G. MANDATORY LANGUAGE**

### **AFFIRMATIVE ACTION REQUIREMENTS**

Each Firm submitting a proposal shall be required to certify that it has complied with Public Agency Regulations For Awarding Contracts pursuant to N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127) and N.J.A.C. 17:27-1.1 et seq. issued by the State of New Jersey, Department of the Treasury, Affirmative Action Office, covering non-discrimination in employment.

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, where applicable, will send to each general 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 general 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 afford equal employment opportunities to minority and women workers consistent with Good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2, or Good faith efforts to meet targeted county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

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

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

In 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, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

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

- Letter of Federal Affirmative Action Plan Approval
- Certificate of Employee Information Report
- Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in

order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

## **AMERICANS WITH DISABILITIES ACT**

### **Equal Opportunity for Individuals with Disabilities**

The Contractor and the Eatontown Sewerage Authority 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 thereunto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the Authority 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 Authority in any action or administrative proceeding commenced pursuant to this Act. The Contractor shall indemnify, protect and save harmless the Authority, 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, 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 Authority grievance procedure, the Contractor agrees to abide by any decision of the Authority which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Authority or if the Authority 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 Authority 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 Authority or any of its agents, servants and employees, the Authority shall expeditiously forward or have forwarded to the Contractor every demand, complaint, notice, summons, pleading or other process received by the Authority or its representatives.

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

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

The Authority does not discriminate on the basis of handicapped status in the admission or access to, or treatment, or employment in its programs or activities.



## **PROOF OF NEW JERSEY BUSINESS REGISTRATION**

### **ATTENTION ALL PROFESSIONAL SERVICE ENTITIES:**

N.J.S.A. 52:32-44 requires that each firm must be registered by the proposal opening date and submit proof of New Jersey business registration prior to award.

All business organizations that do business with a local contracting agency (i.e. Eatontown Sewerage Authority “ESA”) are required to be registered with the State of New Jersey, Department of Treasury, Division of Revenue, and provide proof of that registration to the contracting agency at the time any submission is received. “Business Organization” means an individual, partnership, association, joint stock company, trust, corporation or other legal business entity or successor thereof.

### **FAILURE TO PROVIDE PROOF OF REGISTRATION PRIOR TO AWARD MAY BE CONSIDERED A FATAL DEFECT.**

Proof of registration shall be a copy of the firm’s New Jersey Business Registration Certificate (BRC). A BRC is obtained from the New Jersey Division of Revenue. Further information may be obtained by visiting the following web site at the State of New Jersey:

**<http://www.state.nj.us/treasury/revenue/gettingregistered.shtml>**

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 and suppliers to submit proof of business registration to the Contractor.
- 2) Prior to receipt of final payment from a contracting agency, a Contractor must submit to the contacting agency an accurate list of all Subcontractors or attest that none were 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.

### **PROHIBITED IRAN INVESTMENT ACTIVITIES**

P.L. 2012,c.25 prohibits the award or renewal of State and local public contracts for goods and services with persons or entities engaging in certain investment activities in the energy or finance sectors of Iran.

Before a goods and services contract can be entered into, vendors and contractors must certify that neither they nor any parent entity, subsidiary, or affiliate is listed on the New Jersey 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”).

If the Authority 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 in accordance with N.J.S.A.40A:11-2.1.

## **PROHIBITED RUSSIA AND BELARUS INVESTMENT ACTIVITIES**

P.L. 2012,c.25 prohibits the award or renewal of State and local public contracts for goods and services with persons or entities engaging in certain investment activities in the energy or finance sectors of Russia and Belarus.

Before a goods and services contract can be entered into, vendors and contractors must certify that neither they nor any parent entity, subsidiary, or affiliate is listed on the New Jersey Department of the Treasury's list of entities determined to be engaged in prohibited activities in Russia and Belarus pursuant to P.L. 2012, c. 25 ("Chapter 25 list").

If the Authority 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 in accordance with N.J.S.A.40A:11-2.1.

## **H. PAYMENTS**

Payment for professional services will either be on a lump sum basis and/or hourly rate basis in accordance with this Request for Proposals and the 's proposal. The proposal shall include task breakdowns for payment purposes. Even if the work is bid on a lump sum basis, hourly rates shall be provided in the event that out of scope work is requested.

No extra payment will be made unless the Authority requests, and approves in writing, work which is determined to be outside the "Scope of Work" described herein. All costs including travel and subsistence, salaries, overhead, profits, etc. shall be included in the lump sum price.

## **I. ADDITIONAL PAY TO PLAY REQUIREMENTS**

Bidders are advised of the responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Enforcement Commission, pursuant to N.J.S.A. 19:44-20.13 (P.L. 2005, c, 271, s.3), if the bidder receives contracts in excess of \$50,000 in the aggregate from public entities in a calendar year. It is the bidders' responsibility to determine if filing is necessary. The report is due March 30 of each year for reporting for prior year contracts. 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).

## **J. RETENTION OF RECORDS**

Pursuant to N.J.C.C. 17:44-2.2 General Counsel shall maintain all documentation related to this Agreement for a period of five (5) years from date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request.

## **K. QUESTIONS**

Any person who has questions or who needs additional information should contact Michelle Hu, [mhu@theesa.org](mailto:mhu@theesa.org) or 732-389-5603

**DOCUMENT SUBMITTAL CHECKLIST**

**Professional Service: BOND COUNSEL**

Proposal Opening Date: **Friday January 24, 2025 at 10:00 AM EST**

A. The following items **SHALL** be provided with the sealed proposals:

1. Statement of Ownership (Ownership Disclosure Certification) .....Page 11
2. Acknowledgment of Receipt of Changes to Request for Proposal .....Page 15
3. Non-Collusion Affidavit .....Page 16
4. Affirmative Action Compliance Notice .....Page 17
5. Americans with Disabilities Act of 1990.....Page 20
6. Prohibited Iran Investment Activities .....Page 22
7. Prohibited Russia or Belarus Investment Activities.....Page 23
8. Form A, Proposal Form – General Counsel .....Page 24
9. Applicants shall submit: **one (1) original, and one (1) electronic copy** of their sealed submissions for all positions. The outside of the sealed envelope **MUST** be plainly marked with the name and address of Bidder and the services for which the Proposal is submitted.

*NOTE: Failure to provide the above documentation with the sealed proposal may be cause for fatal defect.*

B. If the following Items are not submitted with the sealed proposal, they **MUST** be submitted prior to Award:

1. Copy of your Business Registration Certificate as issued by the State of New Jersey, Department of Treasury, Division of Revenue
2. Insurance Certificate
3. Proof of Affirmative Action Compliance
4. Department of the Treasury W-9 Form

**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 ten percent (10%) or more of its stock, of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein, or of all members in the limited liability company who own a ten percent (10%) 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 ten percent (10%) or more of that corporation's stock, or the individual partners owning ten percent (10%) or greater interest in that partnership, or the members owning ten percent (10%) 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 non-corporate stockholder, and individual partner, and member, exceeding the ten percent (10%) 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 ten percent (10%) 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 ten percent (10%) 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 ten percent (10%) 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 ten percent (10%) or more of its stock, of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein, or of all members in the limited liability company who own a ten percent (10%) or greater interest therein, as the case may be.

**OR**

I certify that no one stockholder in the corporation owns ten percent (10%) or more of its stock, of any class, or no individual partner in the partnership owns a ten percent (10%) or greater interest therein, or that no member in the limited liability company owns a ten percent (10%) 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: \_\_\_\_\_

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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 ten percent (10%) 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 ten percent (10%) 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 ten percent (10%) 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 ten percent (10%) 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.

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**AND**

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

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Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Notary Public)

My Commission expires:

\_\_\_\_\_  
(Affiant)

\_\_\_\_\_  
(Print name of affiant and title if applicable)

(Corporate Seal if a Corporation)

**Eatontown Sewerage Authority**

**ACKNOWLEDGMENT OF RECEIPT OF ADDENDA**

The undersigned Bidder hereby acknowledges receipt of the following Addenda:

<u>Addendum Number</u>	<u>Dated</u>	<u>Acknowledge Receipt</u> (initial)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**No addenda were received:**

Acknowledged for: \_\_\_\_\_  
(Name of Bidder)

By: \_\_\_\_\_  
(Signature of Authorized Representative)

Name: \_\_\_\_\_  
(Print or Type)

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**NON-COLLUSION AFFIDAVIT**

State of New Jersey

ss:

County of \_\_\_\_\_

I, \_\_\_\_\_ of the City of \_\_\_\_\_ in the

County of \_\_\_\_\_ and the State of \_\_\_\_\_ of full age,

being duly sworn to law on my oath depose and say that I am \_\_\_\_\_

of the firm of \_\_\_\_\_, the professional service entity making the submission for the above named service, and that I executed the said submission with full authority to do so and that said professional service entity 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 the above named service, and that all statements contained in said submission and in this affidavit are true and correct and made with full knowledge that the Eatontown Sewerage Authority relies upon the truth of the statements contained in said submission and in the statements contained in this affidavit in awarding the contract for said service.

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 established commercial or selling agencies maintained by

\_\_\_\_\_ (N.J.S.A 52:34-15).

(Name of Professional Service Agency)

By: \_\_\_\_\_

\_\_\_\_\_  
(Typed Name and Title)

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_

(Notary Public of \_\_\_\_\_)

**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 firm'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 firm shall submit to the public agency, before award 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 proposal 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: \_\_\_\_\_

AUTHORIZED  
REPRESENTATIVE  
SIGNATURE: \_\_\_\_\_

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

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

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

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**

(REVISED 10/08)

**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, where applicable, will send to each general 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 general 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 afford equal employment opportunities to minority and women workers consistent with Good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2, or Good faith efforts to meet targeted county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

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

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

In 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, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

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

- Letter of Federal Affirmative Action Plan Approval
- Certificate of Employee Information Report
- Employee Information Report Form AA302

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

**AMERICANS WITH DISABILITIES ACT OF 1990**

Equal Opportunity for Individuals with Disability

The Contractor and the Eatontown Sewerage Authority 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 thereunto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the Authority 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 Authority in any action or administrative proceeding commenced pursuant to this Act. The Contractor shall indemnify, protect and save harmless the Authority, 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 Authority grievance procedure, the Contractor agrees to abide by any decision of the Authority which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Authority or if the Authority 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 Authority 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 Authority or any of its agents, servants and employees, the Authority shall expeditiously forward or have forwarded to the Contractor every demand, complaint, notice, summons, pleading or other process received by the Authority or its representatives.

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

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

The Authority does not discriminate on the basis of handicapped status in the admission or access to, or treatment, or employment in its programs or activities.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the provisions of Title 11 of the Americans with Disabilities Act of 1990 (the “Act”) (42 U.S.C. § 12101 et seq.) and agrees to comply with same.

The undersigned vendor further understands that his/her proposal shall be rejected as non-responsive if said contractor fails to comply with the provisions of Title 11 of the Americans with Disabilities Act of 1990 (the “Act”) (42 U.S.C. § 12101 et seq.).

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

AUTHORIZED  
REPRESENTATIVE  
SIGNATURE: \_\_\_\_\_

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

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

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

**THE EATONTOWN SEWERAGE AUTHORITY-- DIVISION OF PURCHASE AND PROPERTY DISCLOSURE OF  
INVESTMENT ACTIVITIES IN IRAN**

**Quote Number:** \_\_\_\_\_ **Bidder/ Offeror:** \_\_\_\_\_

**PART 1: CERTIFICATION**

**BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.**

**FAILURE TO CHECK ONE OF THE BOXES 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://wWN.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 THE APPROPRIATE BOX:**

**I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder'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 below.**

**OR**

**I am unable to certify as above because the bidder 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 nonresponsive** 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.

**EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.**

Name _____	Relationship to Bidder/Offeror _____
Description of Activities _____	
Duration of Engagement _____	Anticipated Cessation Date _____
Bidder/Offeror Contact Name _____	Contact Phone Number _____

ADD AN ADDITIONAL ACTIVITIES ENTRY

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 above-referenced person or entity. I acknowledge that the Eatontown Sewerage Authority is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with Eatontown Sewerage Authority to notify the Eatontown Sewerage Authority 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 agreement(s) with the Eatontown Sewerage Authority and that the Eatontown Sewerage Authority at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**THE EATONTOWN SEWERAGE AUTHORITY-- DIVISION OF PURCHASE AND PROPERTY DISCLOSURE OF  
INVESTMENT ACTIVITIES IN RUSSIA or BELARUS**

**Quote Number:** \_\_\_\_\_ **Bidder/ Offeror:** \_\_\_\_\_

PART 1: CERTIFICATION

BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.

**FAILURE TO CHECK ONE OF THE BOXES 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 Russia or Belarus. The Chapter 25 list is found on the Division's website at <http://wWN.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 THE APPROPRIATE BOX:**

**I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder'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 Russia or Belarus 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 below.****

**OR**

**I am unable to certify as above because the bidder 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 nonresponsive 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 RUSSIA AND BELARUS**

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.

**EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.**

Name _____	Relationship to Bidder/Offeror _____
Description of Activities _____	
_____	
Duration of Engagement _____	Anticipated Cessation Date _____
Bidder/Offeror Contact Name _____	Contact Phone Number _____

ADD AN ADDITIONAL ACTIVITIES ENTRY

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 above-referenced person or entity. I acknowledge that the Eatontown Sewerage Authority is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with Eatontown Sewerage Authority to notify the Eatontown Sewerage Authority 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 agreement(s) with the Eatontown Sewerage Authority and that the Eatontown Sewerage Authority at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



**Form "A"**  
**Proposal Form – Bond Counsel**

<b><u>Item</u></b>	<b><u>Description</u></b>	<b><u>Proposed Amount</u></b>
1.	Attach an Hourly rate for services requested or required during the term of the contract.	
2.	Attach all supporting documentation as required herein this RFP.	