

METHODS OF PROCUREMENT

Public School Purchasing

Public School Bidding

**Center for Government Services
Rutgers University**

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April 2016

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Legal Citations

for

Bidding

Public School Bidding
Legal Citations

1. Who has the authority to bid? N.J.S.A. 18A:18A-2(b)

The Purchasing Agent assumes full control over preparing bid advertisements and sending the legal advertisement to the newspaper.

No other Board official should do this. **No architects** should prepare the advertisement or send it to the newspaper.

One exception—authority to bid

N.J.A.C. 6A:27-9.8 (a)—Student Transportation Code

Student transportation code permits the Board of Education to choose a committee, officer or employee to prepare specifications and open and receive bids.

2. Who has the authority to postpone or cancel bids?

Cancel Bids N.J.A.C. 5:34-9.3(a)

Boards of education, through the office of the Purchasing Agent, may cancel a bid in accordance with the procedures that are outlined in N.J.A.C. 5:34-9.3(a). Some reasons to cancel a bid may be the following:

- Addenda Deadline
A board of education shall cancel a bid when the board must amend or modify the bid and cannot meet the requirements of issuing an addendum to the bid—Seven (7) Day Rule. N.J.S.A. 18A:18A-21(c) (d)
- Bid Acceptance Date
A board of education may cancel a bid when the receipt of the bid was advertised in violation of N.J.S.A. 18A:18A-21(a)—proper Bid Acceptance Dates
- Bid Receipt Date
A board of education may cancel a bid when the receipt of the bid was advertised in violation of N.J.S.A. 18A:18A-21(a)—Ten (10) Day Rule and Twenty (20) Day Rule for Competitive Contracting.

Suggestion—Board Resolution

It is suggested that if a bid is cancelled, a board resolution be adopted acknowledging the cancellation and that a new bid number be assigned for the re-bid.

Again, the Purchasing Agent, through Board of Education is the only official that may cancel a bid.

Postpone Bids N.J.A.C. 5:34-9.3(b)

A bid opening may be postponed due to unforeseen circumstances (snow storm, inclement weather) that would affect or prohibit the opening of the bid. Procedures to follow when postponing a bid are listed in N.J.A.C. 5:34-9.3(b), including opening the postponed bid within five (5) days.

Public School Bidding

3. When should you bid?—Periodic Solicitation of Bids N.J.S.A. 18A:18A-9

Annual Bids - Develop an annual calendar and let your school officials know the procedures:

Typical Calendar:

- March - Send order request forms to school officials
- April - Collect forms; prepare bids
- May - Bids opened
- June - Award of Contract: Purchase Orders Prepared
- July 1st - Rendering of Services
- August - Delivery of Goods

4. When do you have to bid?

Aggregate: Definition N.J.S.A. 18A:18A-2(l)
Bid Threshold: Definition N.J.S.A. 18A:18A-2(m)

5. Exceptions to Bidding—N.J.S.A. 18A:18A-5(a)

Review N.J.S.A. 18A:18A-5(a) et seq., for a list of exceptions for advertising for bids
A reminder: The listed items are exceptions for bidding. If less than the bid threshold, the district has to solicit quotations pursuant to N.J.S.A. 18A:18A-37 (a), “**if practicable.**”

6. Bid Specifications Generally—N.J.S.A. 18A:18A-15

The legal language found in N.J.S.A. 18A:18A-15 is the foundation for public school bidding as it clearly states that all bids are to be drafted to encourage **free, open and competitive bidding**.

7. Bid Specifications Exclusions; Restriction—N.J.S.A. 18A:18A-15(a)

A review of N.J.S.A. 18A:18A-15(a) will note that bid specifications:

- Cannot require the bidder to be resident of the county or school district.
- Must have “brand name or equivalent” explained
- Must have a renewal clause
- Must be written as not to exclude potential bidders
Cannot design bids so that only one bidder can win.

8. Bid Guarantee N.J.S.A. 18A:18A-24 and N.J.A.C. 6A:23A-21.2

A monetary guarantee payable to the Board ensuring the bidder will enter into a contract with the board. Ten percent (10%) of the total bid, no more than \$20,000.

One exception—N.J.S.A. 18A:39-4 and N.J.A.C. 6A:27-9.5(b)—Student Transportation
Five (5%) per cent or \$50,000 for student transportation bids

What type of bid guarantee can be submitted?

Bid Bond, Cashier’s Check, Certified Check.

Public School Bidding

9. **Guarantee Certificate** N.J.S.A. 18A:18A-25 and N.J.A.C. 6A:23A-21.2

- Certificate of Surety
- Consent of Surety

If your bid requires the successful bidder to provide a performance bond, then all bidders must submit a certificate or consent of surety with the bid package.

Certificate of Surety or Consent of Surety

It's a guarantee from the bonding company that if the bidder wins the bid, the bonding company will produce a performance bond.

10. **Performance Bond** N.J.A.C. 6A:23A-21.2 and N.J.S.A. 2A:44-143 et seq.

A performance bond is a written financial guarantee payable to the Board of Education ensuring the contractor will faithfully and promptly perform the contract. The bond is not to be submitted with the bid. It is to be submitted with the executed contract.

11. **Bid Advertisement** N.J.S.A. 18A:18A-21

- Prepare/Submit Bid Advertisement—N.J.S.A. 18A:18A-2(b)
The Purchasing Agent is authorized by law to prepare and submit bid advertisements.
- Publication/Bid Opening – Ten (10) days after the publication you can open bids—N.J.S.A. 18A:18A-21 (a)
- Bid Acceptance Dates—N.J.S.A. 18A:18A-21(a)
- Contents of Bid Advertisement N.J.S.A. 18A:18A-21(b)
- Date and time of bid opening N.J.S.A. 18A:18A-21 (b)
- Where the bids will be opened. N.J.S.A. 18A:18A-21 (b)

12. **Who shall receive and open the bids?** N.J.S.A. 18A:18A-2(b) and N.J.S.A. 18A:18A-21(b)

The Purchasing Agent is authorized by law to receive and open bids.

13. **Acceptance of Bids** N.J.S.A. 18A:18A-21(b)

No bids received after the time designated in the advertisement.

14. **Addenda to Bids – Revisions** N.J.S.A. 18A:18A-21(c) (1) (2)

N.J.S.A.18A:18A-21(c) (1) (2)—Seven (7) day rule for Goods/Services and Public Works bids.
Notice of Addenda must be published for Goods/Services bids.

15. **Challenge to Bids** N.J.S.A. 18A:18A-15(e)

N.J.S.A. 18A:18-15 (e)—three (3) business days

Public School Bidding

16. Time to Make Award N.J.S.A.18A:18A-36; N.J.A.C. 6A:26-8.4 (b)

Law is silent but the code is not: the sixty (60) days should start with the bid date.

17. Award of Contract

Board of Education awards contract for all bids

N.J.S. A. 18A:18A-4(a) Lowest Responsible Bidder

N.J.S.A. 18A:18A-5(a) All contracts that exceed the bid threshold, except two

- Emergency contracts; and
- Purchase of Textbooks

N.J.S.A. 18A:18A-18(c) Construction Projects

Purchasing Agent Awards Contracts N.J.S.A.18A:18A-3(a)

The Purchasing Agent when authorized by board resolution, may award contracts less than the bid threshold.

18. Lowest Responsible Bidder N.J.S.A. 18A:18A-2(t)

“The cornerstone of public purchasing”

The lowest responsible bidder is the bidder or vendor who offers

- **The Lowest Price** N.J.S.A.18A:18A-2(s)

Least possible amount that meets all the requirements of the Purchasing Agent
Vendor cannot change your bid specs -

- **Is Responsive** N.J.S.A. 18A:18A-2(y)

Conforms to material requests, legal requirements
Hands in all documents

- **Is Responsible** N.J.S.A.18A:18A-2(x)

Able to complete requirements pertaining to:

- Experience
- Moral Integrity
- Facilities Available
- Financial Capacity
- Operating Capacity
- Equipment
- Workforce

19. Equal Prices N.J.S.A.18A:18A-37(d)

Board may award the contract to the vendor whose response is more advantageous, price and other factors considered. You must document in the resolution the reason for selection.

- Out of State vendor vs. in state vendor
- Out of County vendor vs. in County vendor
- Previous position experience
- ***Flip a coin?***

Public School Bidding

20. Rejection of Bids—All Bids N.J.S.A. 18A:18A-22

Rejection of All Bids 18A:18A-22(a-f) Bids may be rejected by the board

- a. Substantially exceeds the cost estimate **Who determines what is substantial?**
- b. Substantially exceeds the appropriation **Who determines what is substantial?**
- c. Abandon the project
- d. Substantially revise the specifications

21. Reject Individual Bids

Non-responsive N.J.S.A. 18A:18A- 2(y)	Seek Board attorney advice
Not Lowest Price N.J.S.A. 18A:18A-2(s)	Seek Board attorney advice
Not responsible N.J.S.A. 18A:18A-2(x)	Seek Board attorney advice

22. No Bids - Bids Too High N.J.S.A. 18A:18A-5(c)

No bids on two occasions.
Bids too high on two occasions.
Combination of the two.
District then has the authority to negotiate a contract.

23. Bids not Arrived at Independently N.J.S.A. 18A:18A-5(d)

Call County Prosecutor or State Attorney General—Ouch!

24. Prior Negative Experience N.J.S.A 18A:18A-4(a-c)

N.J.S.A. 18A:18A-4 (a-c) outlines a very long and detailed process that must be followed if a school district to disqualify a bidder for future bids. Seek board attorney guidance.

25. Bid Acceptance Dates N.J.S.A. 18A:18A-21(a)

No bids (except for Student Transportation bids) may be advertised to be received on

- Mondays
- State or Federal Holiday
- Day after a State or Federal holiday

Refer to Annual Local Finance Notice as issued by the NJ DLGS.

Bid Acceptance Dates

No Bid Mondays—2016 Calendar Year

I am providing guidance to School Business Administrators on what days bids **may not be received** and opened for the 2016 calendar year. A review of N.J.S.A. 18A:18A-21 (a) will note the following:

Bids may not be received and opened on:

1. Mondays;
2. Day after a State/Federal Holiday; and a
3. State or Federal holiday—even if your school district is opened.

Last year the NJ Division of Local Government Services did not issue their annual Local Finance Notice on Bid Acceptance Days. The LFN was a good annual reminder for school districts on when not to receive and open bids.

As a courtesy to you, I have prepared a 2016 calendar that lists the days that Boards of Education **may not** receive bids. This calendar can be easily put up on the bulletin board of the bid scheduler. **(You!)**

I hope this calendar will compliment any Local Finance Notice that may be issued by the NJ DLGS.

Please also note the following:

1. Competitive Contracting Proposals

The NJ DLGS has recommended not to receive and open any Competitive Contracting proposals on the days listed above.

2. Student Transportation Bids

The NJ DLGS has advised in past LFN's that the "No Bid Mondays" law does not apply for Student Transportation Bids which are governed pursuant to N.J.S.A. 18A:39-1 et seq.

As always, seek guidance from your board attorney on all interpretations of purchasing law and code.

Bid Acceptance Dates--2016

SHOOP SBA, LLC—James Shoop

Shoop18A18A@gmail.com

2016

January						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

March						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Notes:
Bid Acceptance Dates 2016
Bids shall not be received on
1. Mondays
2. State/Federal Holiday
3. Day after State/Federal Holiday
Reference N.J.S.A. 18A:18A-21 (a)
Calendar Days Bold Red Ink
Boards of education are <u>not</u> to receive bids on those calendar days listed in Bold Red Ink .
Competitive Contracting Proposals
It is recommended not to receive Competitive Contracting proposals on those calendar days listed in Bold Red Ink .
Student Transportation Bids
The NJ Division of Local Government Services has advised in past Local Finance Notices that Student Transportation bids are not governed by the Bid Acceptance Day Law. 18A:18A-21 (a)
Calendar courtesy of
James Shoop
SHOOP SBA, LLC
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Activities

for

Bidding

Activities for Bidding

Certification of Funds

The Purchasing Agent should certify or receive a certification in writing that funds exist for the bid project thus providing **integrity** for the bid. In the same certification there must be provided an estimated cost of the bid. The estimate is required by law—N.J.S.A. 18A:18A-5 (c) (2). This estimate will be a guide on whether the Board of Education wants to reject all bids because the bid prices “substantially exceeds the cost estimate of the project.” (18A:18A-22(a))

Prepare Technical Specifications

The technical specifications should be prepared by a district administrator seeking the goods or services (ex. Facilities Director, Athletic Director, Food Services Director etc.) and sent to the Purchasing Agent for review. At this time that administrator should also submit the Certification of Funds and cost estimate.

Review of Technical Specifications

The technical specifications should be reviewed by the Purchasing Agent to insure that the specifications can be awarded to the lowest responsible bidder and that the specifications are drafted in a manner to encourage “free and open competitive bidding.” (18A:18A-15)

Prepare Bid Package

Once satisfied with the technical specifications the Purchasing Agent should prepare the appropriate bid boilerplate package to compliment the project:

- **Goods and Services Bid**
- **Public Works Bid**

Prepare the Bid Advertisement/Set the Bid Date and Time

The Purchasing Agent by virtue of the authority bestowed by the State of New Jersey prepares the bid advertisement and sets the bid date and time. The ten (10) day rule takes affect with the advertisement. (18A:18A-2(a); 18A:18A-21 et. seq.) Remember, the Local Finance Notice on **Bid Acceptance Dates**.

Set the Pre-Bid Meeting (If necessary)

The Purchasing Agent may include, if necessary, in the bid package and the bid advertisement, a date and time for a pre-bid meeting. The purpose of the pre-bid meeting is to further explain the technical and boilerplate specifications.

Set the Addenda Deadline

The Purchasing Agent in preparing bid time lines must always be aware that the bid specifications may have to be substantially changed. These substantial changes are done in writing and sent to all bidders, through the addenda process, before seven (7) days of the bid opening, Saturdays, Sundays, and holidays excluded. N.J.S.A. 18A:18A-21 (c) (1) (2)

Make Copies of the Bid/Mail

The bids should be mailed to vendors from a pre-determined bid list and to any bidder that makes a request for a bid. The bid list should be part of the bid file for future reference. Some districts put bid advertisements on their web page. (Bid packages may be e-mailed to vendors)

Attend the Pre-bid Meeting/Take Minutes (If necessary)

The Purchasing Agent should attend and chair all pre-bid meetings. Attendance should be taken in writing and if there are any questions and/or changes of a substantial nature they should be addressed in writing in form of an addendum.

Mail/Fax Addenda (If necessary)

All addenda should be mailed/faxed in accordance with 18A:18A-21 (c) (1) (2).

Receipt of Bids (Segregation of Duties)

The Purchasing Agent should set up a procedure to properly receive bids and to keep them safely secured until the bid opening. Every attempt should be taken for a person other than the Purchasing Agent to physically receive the bids when possible.

Bid Opening

The bid opening should be conducted in full compliance with 18A:18A-21 (b) and with the full understanding that the Purchasing Agent opens all bids publicly and announces the contents.

Analyze Bids and Prepare Spreadsheets

The Purchasing Agent analyzes all bids received and if necessary, prepares the appropriate spreadsheets to properly evaluate all bids. Guidance from appropriate administrators is permissible.

Review Bids with Board Attorney (If necessary)

The Purchasing Agent should review the bids with the Board Attorney if there are questions about possible compliance issues with State/Federal law/code. The Purchasing Agent should not unilaterally decide whether a bid is to be recommended for rejection or disqualification.

Prepare Board Resolution Awarding/Rejecting Contract

The Purchasing Agent should prepare the resolution awarding the contract to the lowest responsible bidder and include all bid results in the resolution. A proper record of the prices and terms shall be made in the minutes of the board. Resolutions rejecting any bids should be prepared in concert with the Board Attorney. Once again, all prices are to be in the board resolution awarding a contract.

Board of Education Awards Contract

The Board of Education at a public meeting has the authority to award the contract to the lowest responsible bidder. (18A:18A-4(a))

Notify All Bidders of Results

The Purchasing Agent, as a good business practice, should notify all bidders of the bid results. A copy of the Board resolution sent to each bidder would be a good method of notification with a caveat that no work is begin or no goods to be sent unless the bidder has the appropriate signed purchase order.

Prepare/Mail Purchase Orders

The Purchasing Agent should prepare and mail all purchase orders relevant to the bid project with the full understanding that no work is begin or no good to be sent unless the winning bidder(s) has the signed purchase order. (18A:18A-2(v))

Prepare/Mail Contracts (If necessary)

The Board Attorney should prepare formal written contracts for the Purchasing Agent to mail to winning bidders. It is highly recommended that formal written contracts be prepared for all contracts for services and public works that are approved by board of education resolution.

Bid File Folder—Minimum Contents

The Purchasing Agent should ensure that the bid file folder has at the minimum, copies of the following items that are needed for auditor review:

- Attendance Sheet—Bid Opening
- Attendance Sheet—Pre Bid Meeting
- Bid Package—2 Copies
- Bids Received Check-off Sheet
- Certification of Funds Memo
- Legal Bid Advertisement
- Minutes—Pre Bid Meeting
- Original Bids Received from Vendors
- Resolution Awarding Bid—5 copies
- Vendors List of Names and Addresses

Have the above documents ready for annual auditor review.

There you have it! The standard operating procedures for bidding. This is something you may want to put in your mandated SOP manual.

Bid Opening Process

- Terror -

In the Board Rooms

Terror in the Board Rooms!

The Bid Opening Process
by
James Shoop

“**Terror in the Board Rooms!**” Not really, but I had to grab your attention so that you would read about one of the most boring tasks of a Purchasing Agent—The Bid Opening Process.

“Raise your hands if you have been to a bid opening!” Now, take one of those hands to cover your mouth because you should be yawning about now. Remember, we are talking about a bid opening here. It is not exciting, but competitive bids and the bid opening process are the cornerstones of public school purchasing. Oh yes, if you want to talk about exciting bid openings, there is a story that a few bus contractors were arrested in South Jersey after a bid opening (collusion?); however, it is considered to be an urban legend.

The Beginning

The bid opening process does not begin on the day of the bid opening. It begins with good planning by the Purchasing Agent to ensure that the advertised bid is in compliance with the Public School Contracts Law.

- Was the bid properly advertised by the Purchasing Agent? N.J.S.A. 18A:18A-2(b), N.J.S.A. 18A:18A-21(b)
- Was the bid advertised for a Monday, a holiday or the day after a public holiday? If so, change the bid day. N.J.S.A. 18A:18A-21(a)
- Were the bid specifications drafted to ensure “free, open and competitive bidding”? N.J.S.A. 18A:18A-15

Receipt of Bids Prior to Bid Opening

The law states that the Purchasing Agent is to “receive” bids N.J.S.A. 18A:18A-2(b). A good business practice would be to have all bids addressed to the Purchasing Agent, but actually received by another individual in the Business Office. Auditors call this “segregation of duties,” an important part of the auditing process. All bids received should be recorded upon receipt (date and time stamped) and kept in a locked cabinet until the bid opening date.

Location! Location! Location!

The bid advertisement must include the date, time and location of the bid opening. N.J.S.A. 18A:18A-21(b). Try to hold the bid opening in an open meeting area adequate in size to permit a large number of people to attend. A closed room or closet is not recommended for a bid opening. Remember, according to law, the Purchasing Agent is to **publicly** receive the bids and **publicly** announce the contents of the bid. Let it be understood, the bid opening is a public function and as John Short, Life Member of NASPO, states in his writings, it is a “ceremony with a number of elements,” and any member of the public may attend this ceremony. As matter of fact, you want people to attend to show that everything is being done correctly. However, more often than not, the bid opening is not well attended, and it becomes a lonely process.

Witness

Always have a witness with you at a bid opening. As Mr. Short further writes:

“A bid opening is a duet, that is, the purchasing manager must team with another person... This is not to prevent loneliness...but to ensure a witness to the proceedings.”⁽¹⁾

At the bid opening, the witness could be the recording clerk who will assist the Purchasing Agent with the tasks involved to ensure a smooth process.

It's Time to Open the Bids!

Well, it's time to open up the bids. Are you prepared?

Tools/Implements

Do you have a small bid box that contains paper clips, pens, scissors or a letter opener? Some vendors really are sincere about submitting a “sealed envelope.”

Attendance Sheet

I recommend that you should prepare an attendance sheet for people to sign in. Have the attendees print and sign their name and identify the company or law enforcement agency they represent.

Clock, Watch, or Cell Phone—Whose Time is It?

So it is 11:00 am and you are ready to open the bids. But whose 11:00 am is it? Is it the clock on the wall? Is it your watch? How about the vendor's watch? You may want to bring your cell phone, and use either the time on the cell phone or call (area code) 976-1616 and find out the real time.

Opening Remarks!

The Purchasing Agent takes control of the bid opening. At the advertised time, the Purchasing Agent asks if there are any more bids. If there are none, the Purchasing Agent states loudly that he/she will not accept anymore bids. In the same breath, the Purchasing Agent lets the attendees know that bids received will be opened in alphabetical order (best way) and at the conclusion of the bid opening, the bids will be available for public inspection. (More on this later.)

A final note about remarks. The bid opening process tends to be very boring. If you feel the need to make a joke, quip or smart remark to liven up the occasion—don't! You would be very surprised how the tone of bid opening can change when a bidder finds out he lost \$50,000 bid by ten (\$10.00) dollars, and you are there joking around. Keep your bid opening professional at all times or at least until the losing bidders leave.

The Bid Opening

Who Opens the Bids?

Let's get one thing straight; the Purchasing Agent receives and opens (unseals) all bids. N.J.S.A. 18A:18A-21(b) No architects, board members, superintendents, or directors of facilities touch or open bids.

(1) The Contract Cookbook for Purchase of Services—John Short, 1990, 2nd Edition, page 27.

Reading the Contents

The law requires the Purchasing Agent to “publicly announce the contents” of the bid. N.J.S.A. 18A:18A-21(b) It is therefore important that you read all prices aloud and inform the public of the documents that were submitted from each bidder. Have your witness keep a check off sheet to mark what documents were submitted by the bidders.

Query! If no member of the public attends a bid opening and it is just you and the witness, do you still have to read aloud the prices submitted?

Offer No Opinions!

There will be times when certain required and requested bid documents were not submitted by a particular bidder. Perhaps the documents that were submitted, were not signed or not completed properly. You can be sure the competition at the bid opening will quickly point this out to you.

When it appears that there is a deficiency in a particular vendor's bid or if you are questioned by another bidder, do not offer an opinion. Let the public know that you will contact the Board Attorney, and it will be his responsibility to offer an opinion if there is a deficiency or material defect in a particular bid. Based upon his opinion, the Purchasing Agent can prepare a resolution recommending to have the bid rejected by the Board of Education as being non-responsive. The Purchasing Agent should not be the final authority when it comes to having bids rejected by the board.

Let the Public See the Bids

At the conclusion of a bid opening, invite the public to review the bids—one bid at a time. This measure is a step in developing trust with all vendors. You have nothing to hide, this is a public process. In most cases, the losing vendors will ask to see the bids if the prices are close. After the losing bidders leave, the apparent winning bidder hangs around and becomes your pal.

Receipt of Bids—The Three (3) What Ifs

The guiding principle of receiving bids is as follows:

“No bids shall be received after the time designated in the advertisement.” N.J.S.A.18A:18A-21(b)

However, things do happen! I call them “The Three (3) What Ifs.” After reading them you may think of some more. That’s what makes our job so interesting.

WHAT IF #1

What if a bid is hand delivered at the bid opening after the advertised time?

You are in the middle of a bid opening, and a vendor walks in late and tries to submit his bid. He is very apologetic and offers a litany of excuses:

“There was no parking!”

“ I got lost in the building!”

“ I received the wrong directions to the bid opening area!”

“ There was traffic on the Parkway/Turnpike!”

You know the excuses! What do you do?

Politely refuse to accept the bid. Do not become a typical bureaucrat by being stern, strict and callous. The key word is **politely!**

You must remember that you have no choice in this matter.

“No bids shall be received after the time designated in the advertisement.” N.J.S.A.18A:18A-21(b)

WHAT IF #2

What if a bid is received through the mail or delivery service after the advertised date and time?

- Don't open the bid!
- Record the date and time you received the bid on the front the bid envelope. (Date and time stamp)
- Make a copy of the front of the bid envelope and then put the copy in the bid folder.
- Mail the unopened bid back to the vendor with a letter of explanation. (You may want to call the vendor if you so desire.)

WHAT IF #3

What if the bid is brought to a receptionist **before** the advertised date and time and you receive it **after** the advertised date and time?

Step 1—Contact Your Board Attorney

Step 2—Take up prayer

Years ago in Passaic, we had a bid opening where five (5) vendors showed up and submitted bids. They remained for the entire bid opening to watch the results. After the bid opening, I went back to my office, and guess what was on my desk? Another bid! The downstairs' substitute receptionist received the bid an hour before the advertised time of the bid, but failed to contact me.

I contacted my Board Attorney at that time, and he advised me to go to the Board Rooms with my witness and open up the newly found bid. He then advised me to take up prayer.

Why prayer? What would happen if the newly found bid was the lowest bid? Would the other bidders who remained for the entire bid process believe me, or would they think something was amiss?

I opened up the bid, and divine intervention prevailed. It was not the lowest bid.

The “terror” in the bid opening process is not being properly prepared for it. Organize yourself to make a bid opening what it was designed to be: boring!

Author: Mr. James Shoop, SHOOP SBA, LLC
Special thanks to Ms. Lydia Arce

GOODS AND SERVICES

BID PREPARATION

BID PREPARATION SHEET

Bid Preparation Sheet

GOODS AND SERVICES

2015 - 2016 School Year

Title of Bid

Bid No. 00-00

Department: _____

Specifications Approved by: _____

Legal Ad

Prepared _____

Published _____

Pre-Bid Meeting N/A _____

Addenda Deadline N/A _____

Bid Opening Date Weekday, Month 00, 2000 _____

Bid Time 00:00 a.m. _____

Bid Guarantee YES NO

Consent of Surety YES NO

Performance Bond YES NO

Certification of Funds YES NO Due Date: _____

Committee of the Whole Board Meeting _____

Formal Board Approval _____

Copies of Bid Sent to:

_____ Department/Supervisor

_____ Board Attorney

_____ Contract Administrator (Services Only)

PROJECT COST ESTIMATE

CERTIFICATION OF FUNDS

_____ *BOARD OF EDUCATION*

MEMORANDUM

TO: _____

FROM: _____ School Business Administrator/Board Secretary

DATE: _____

RE: **Certification of Funds -- Project Cost Estimates**

I am attaching the Certification of Funds -- Project Cost Estimate Form for the following bid:

Title of Bid

Please complete and return the form no later than

12:00 Noon

Upon receipt of the form, I will send the Legal Advertisement to the official newspaper for this bid.

Project Estimate Cost N.J.S.A. 18A:18A-5 (c) (2)

The project estimate figures are what you determine the project will cost in its entirety or the maximum labor hour cost to be charged for the project. If bid prices received for this project substantially exceed the estimate costs the Board may reject all bids pursuant to N.J.S.A. 18A:18A-22 (a).

Certification of Funds

No bid will be advertised unless funds are certified to be available to support the project. The integrity of the Board of Education is a paramount concern in this instance.

Thank you.

Enclosure(s)

BID RFP CC

_____ Board of Education
City, State

To: _____
No: _____

**CERTIFICATION OF FUNDS
PROJECT COST ESTIMATE
PROGRAM APPROVAL**

A. Title: _____

B. Please check one

1. _____ Annual Bid/RFP/CC for **2015 – 2016** School Year

Items/Service Requested _____

2. _____ Special Bid/RFP/CC

Items/Service Requested _____

C. **Reason for Bid/RFP/CC** State briefly the purpose for needing goods/services.

D. **Program Approval**

I have reviewed and approve the technical specifications for the goods/services requested.

_____ Cabinet Member Signature

_____ Date

E. **Project Cost Estimate** 18A:18A-5 (c) (2)

I estimate that the costs of the goods/services requested should not exceed

\$ _____ Signature _____

F. **Certification of Funds**

I hereby certify that sufficient funds exist in Account Number(s) _____

_____ to pay for the goods/services.

Source of Funds: State or Federal (circle one)

If Federal Funds, provide Title of Program/Grant: _____

Signature _____

Title _____ Date _____

Please return this form no later than: _____ to

Business Administrator/Board Secretary

MEMO

BID OPENING DATE AND TIME

_____ **BOARD OF EDUCATION**
BUSINESS OFFICE

MEMORANDUM

TO: _____ Superintendent of Schools
Board of Education Members

FROM: _____ School Business Administrator/ Board Secretary

DATE: _____

RE: **Bid Opening Date and Time**

Please note the scheduled bid date(s) and time(s). A bid opening is an open meeting and any member of the public is welcomed to attend. The location of the bid opening is

Copies of the bid specifications are on file at my office for your review.

<u>Bid #</u>	<u>Bid</u>	<u>Bid Date</u>	<u>Bid Time</u>
00-00	Title of Bid	Weekday, Month 00, 2000	00:00 a.m.

Thank you very much.

C: Department Supervisor

BID OPENING SHEETS

ATTENDANCE SHEET

BID DOCUMENT CHECKLIST

_____ **BOARD OF EDUCATION**

Attendance at Bid Opening

Title of Bid _____

Bid No. **00-00**

Bid Date **Weekday, Month 00, 2000**

Bid Time: **00:00 a.m.**

Bid Opening Location _____

People Attending Bid Opening

Name of SBA _____

Name of Recording Secretary _____

Name Print

Signature

Company

BUSINESS REGISTRATION CERTIFICATE						
CHAPTER 271 PCD FORM						
IRAN DISCLOSURE FORM						
ACKNOWLEDGEMENT OF ADDENDA						
FEDERAL FORMS (WHEN REQUIRED)	A B C					
BID PRICES						
OTHER						

FILE FOLDER BID CHECKLIST

Bid Checklist

GOODS AND SERVICES

Title of Bid

00-00

Weekday, Month 00, 2000

Activity

Date

Specifications Received

Bid Preparation Sheet Completed

Bid Notification Package Prepared (Lydia)

Certification of Funds Form Due

Legal Ad to The Record/Legal Ad Published

Bid Package to the Print Shop

Bids Mailed

Pre-Bid Meeting (if necessary)

- Attendance Sheet
- Minutes

Addendum/Addendum Published (if necessary)

Documents in Bid Package

- _____ * Addenda --- Copies
- _____ Attendance Sheet -- Bid Opening
- _____ * Attendance Sheet -- Pre-Bid meeting
- _____ Bid Preparation Sheet
- _____ Business Registration Certificate
- _____ Certification of Funds; Memo and Form
- _____ Check off sheet -- Bid Opening
- _____ Legal Advertisement; Original 2 copies
- _____ * Letter to Companies/Bid Results
- _____ Memo of Notification to Administrators/Bid Results
- _____ Memo to Administrators; Board President

- _____ Memo to Board Members
- _____ * Memo to Reserve Board Rooms
- _____ Minutes -- Pre-Bid Meeting
- _____ Original Bids from Vendors
- _____ Purchase Order -- Copy
- _____ Resolution 5 copies in front of folder
- _____ Resolution from last bid
- _____ * Returned Bids -- Copy of Envelope
- _____ State Approval
- _____ Two bids original and copy
- _____ Vendor's List -- Final List Updated

*if applicable

_____ **BOARD OF EDUCATION**

MEMORANDUM

TO: _____

FROM: _____ School Business Administrator/Board Secretary

DATE: _____

RE: Bid No. **00-00** **Title of Bid**

On Weekday, Month 00, 2000, at 00:00 a.m. bids for Title of Bid, were received from the following companies:

I am enclosing copies of the bid results. Please review the bid results and any other documentation that may be attached.

Please assist in the preparation the appropriate resolution for the Board of Education meeting scheduled for

Please include the following on the resolution:

The resolution should be sent to my office via e-mail (attn. : _____) no later than

_____ 12:00 NOON

Thank you.

The following Goods and Services bid boilerplate is provided as guidance. The document should be reviewed by the board attorney.

GOODS AND SERVICES

_____ Board of Education
_____, New Jersey

Goods and Services

Bid Specifications

&

General Requirements

For

TITLE OF BID

Bid No: 00-00

Weekday, Month 00, 2000

Bid Opening Date

00:00 a.m.

Bid Opening Time

Opening Location: _____ Board of Education
Board Meeting Room

**School Business Administrator
Board Secretary**

**BOARD OF EDUCATION
REQUEST FOR BIDS
Bid Advertisement**

The Board of Education of the City of _____, New Jersey, hereby advertises for competitive bids in accordance with N.J.S.A. 18A:18A-21(a) (b)

Bid No. 00-00

Title of Bid

All necessary bid specifications and bid forms may be secured upon written request to:

School Business Administrator/Board Secretary
Board of Education

_____, New Jersey
Fax _____
E mail _____

Bids must be sealed and delivered to the Business Office of the _____ Board of Education **on or before** date and time indicated below. The envelope to bear the following information:

Title: **Title of Bid**
Bid No.: **00-00**
Name and Address of the Bidder
Date: **Weekday, Month 00, 2000**
Time: **00:00 a.m.**

The bid opening process will begin on the above advertised date and time in the _____, _____, New Jersey. Bids may also be submitted to the School Business Administrator/Board Secretary or his designee at the bid opening meeting, in the Board Meeting Room, prior to the advertised date and time. On the advertised date and time, the School Business Administrator/Board Secretary shall publicly receive and open all bids. **No bids shall be received after the time designated in the advertisement.** (N.J.S.A. 18A:18A-21(b)). The Board of Education does not accept electronic (e-mail) submission of bids.

All bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq., Affirmative Action Against Discrimination and N.J.A.C. 17:27 et seq.

Each bid shall be accompanied by a bid bond, cashier's check or certified check made payable to the _____ Board of Education, for ten percent (10%) of the amount of the total bid, however, not to exceed \$20,000.

Corporate bidders are required by law (Chapter 33, Laws of 1977) to submit a list of names and addresses of all stockholders owning 10% or more of their stock.

A Non-Collusion Affidavit and a Contractor Questionnaire/Certification also must be filed with the bid. The bid package will also include other documents that must be completed and returned with the bid. Failure to comply with Instructions to Bidders and to complete and submit all required forms, may be cause for disqualification and rejection of the bid.

The Board of Education reserves the right to reject any or all bids pursuant to N.J.S.A. 18A:18A-2(s), (t), (x), (y), 18A:18A-4(a), 18A:18A-22, and to waive any informalities.

School Business Administrator/Board Secretary

ETHICS IN PURCHASING ***Statement to Vendors***

School District Responsibility

Recommendation of Purchases

It is the desire of the Board of Education to have all Board employees and officials practice exemplary ethical behavior in the procurement of goods, materials, supplies, and services.

School district officials and employees who recommend purchases shall not extend any favoritism to any vendor. Each recommended purchase should be based upon quality of the items, service, price, delivery, and other applicable factors in full compliance with N.J.S.A. 18A:18A-1 et.seq.

Solicitation/Receipt of Gifts – Prohibited

School district officials and employees are prohibited from soliciting and receiving funds, gifts, materials, goods, services, favors, and any other items of value from vendors doing business with the Board of Education or anyone proposing to do business with the Board.

Vendor Responsibility

Offer of Gifts, Gratuities -- Prohibited

Any vendor doing business or proposing to do business with the Board of Education, shall neither pay, offer to pay, either directly or indirectly, any fee, commission, or compensation, nor offer any gift, gratuity, or other thing of value of any kind to any official or employee of the Board or to any member of the official's or employee's immediate family.

Vendor Influence -- Prohibited

No vendor shall cause to influence or attempt to cause to influence, any official or employee of the Board, in any manner which might tend to impair the objectivity or independence of judgment of said official or employee.

Vendor Certification

Vendors or potential vendors will be asked to certify that no official or employee of the Board of Education or immediate family members are directly or indirectly interested in this request or have any interest in any portions of profits thereof. The vendor participating in this request must be an independent vendor and not an official or employee of the Board of Education.

School Business Administrator
Board Secretary

_____ **BOARD OF EDUCATION**

TO: All Vendors

UNAUTHORIZED ORDERS

Official Notification

Authorized Purchases

The _____ Board of Education only recognizes purchases made through the approved purchase order process. All purchases require a:

Written Purchase Order with authorized signatures and a Purchase Order Number.

Unauthorized Purchases

Any Board of Education employee who orders and/or receives any materials, supplies or services without first going through the approved purchase order process has made an unauthorized purchase.

Vendors' Responsibility

• **Do NOT Honor Requests!**

Vendors are not to honor or accept any requests for goods or services unless the vendor receives a **written purchase order** with **authorized signatures** and a **purchase order number**.

• **Contact the Business Office!**

Please alert _____ at _____ if any Board employee attempts to place an order without an authorized purchase order.

- **You will NOT Get Paid!**

The _____ Board of Education will not be held responsible for any unauthorized orders or purchases.

Authorized Signatures

The Board of Education will only recognize purchase orders signed by:

School Business Administrator/Board Secretary

**INSERT ADDRESSES
OF
DISTRICT'S
SCHOOLS AND**

FACILITIES

_____ BOARD OF EDUCATION

SCHOOL CALENDAR

INSERT YOUR DISTRICT'S SCHOOL CALENDAR

To All Vendors:

Please refer to the School Calendar when preparing for delivery of goods and materials.

*One Session Days – Schools close at 1:00 p.m.

_____ BOARD OF EDUCATION

ADVISORY INFORMATION FOR BIDDERS

1. PROMPTNESS OF BID SUBMITTAL

It is the responsibility of the bidder to ensure that their bid is presented in a sealed envelope at the District's Business Office, Office of the School Business Administrator/Board Secretary or designee, prior to the advertised bid date and time. The advertised bid date and time for this bid is on **Weekday, Month 00, 2000 @ 00:00 a.m.** No bids shall be received after the time designated in the bid advertisement. No extensions or exceptions will be made. The Business Office is opened Monday through Friday from 8:00 am – 4:00 pm according to the school calendar and 8:00 am – 3:00 pm during the summer. Access to the Business Office may be delayed because of security clearance and/or the slowness of the elevator to the third floor of the Administration Building. Bidders may also submit bids to the School Business Administrator/Board Secretary or his designee at the bid opening meeting held in the _____, _____, New Jersey, prior to the advertised bid opening date and time. Once again, bids will not be received after the time designated in the advertisement.

2. PARKING

Parking in the vicinity of the _____ Board of Education Administration Building is at a premium. ***Allow enough time to locate a parking space.*** Be prepared to park two or three blocks from the Board Offices.

Heavy traffic hours by the Board Offices on school days are from **7:00 a.m. to 8:30 a.m.**, and between **1:40 p.m. and 3:10 p.m.** Be aware of parking signs as you may receive a parking ticket or have your vehicle towed.

3. MAIL

Mail is brought to the Board Offices in mailbags, approximately **00:00** am each day. The mail is then sorted within the district system, by departments. The Business Office routinely receives its mail at approximately **11:30 a.m.**

4. UPS / FED EX / AND OTHER EXPRESS DELIVERY SERVICES

Deliveries of this type usually begin at 00:00 a.m. These items are brought only to the receptionist at the main building entrance. The receptionist then calls the various departments with a request to pick up their items. There may be some delay in getting bids to the Business Office on the top floor because of security clearance and/or the slowness of the elevator to the Third Floor of the Administration Building.

5. HAND DELIVER BIDS – SUGGESTED PRACTICE

Keeping the aforementioned items in mind, the Board suggests that bidders arrange to hand deliver their bid to the Business Office, and personally turn it in to the office of the School Business Administrator/Board Secretary before the advertised date and time. Please understand that bids arriving after the advertised bid date and time for any reason, cannot be accepted, opened or considered.

_____ BOARD OF EDUCATION

BID CHECKLIST

A. ***Documents to be Returned with Bid***

1. Acknowledgement of Addenda
2. Affirmative Action Questionnaire or Certificate of Employee Information Report stapled to Questionnaire
3. Bid Guarantee (Bid Bond, Cashier's Check, or Certified Check) (*Only if Required*)
4. Bid Proposal Form
5. Bidder Comment Form – Optional
6. Business Registration Certificate – New Jersey
7. Chapter 271 Political Contribution Disclosure Form
8. Contractor/Vendor Questionnaire / Certification

- 9. Iran - Disclosure of Investment Activities
- 10. Non-Collusion Affidavit
- 11. Stockholders' /Partnership Disclosure Affidavit, and Ownership Declaration

The documents listed above when required, are to be submitted with the bid package. Failure to submit them may be cause for disqualification for being non-responsive pursuant to N.J.S.A. 18A:18A-2(y).

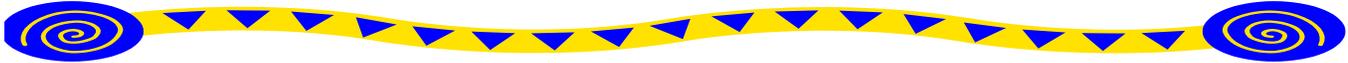
B. Reminder Checklist

As a courtesy, the Office of the School Business Administrator/Board Secretary has prepared this reminder checklist for items pertaining to this bid. The checklist is not considered to be all-inclusive. Bidders are to read and become familiar with all instructions outlined in the bid package.

<u>Item</u>	<u>Yes</u>	<u>No</u>
1. Have you verified your pricing to ensure accuracy?		
2. Have you answered question fully and accurately?		
3. Have you signed all your documents (blue ink)? No facsimile signature.		
4. Have you prepared all documents for submission?		
5. Did you make a copy of the bid package for your records?		
6. Did you submit a Bid Guarantee? Consent of Surety? (Only if required)		
7. Did you correctly address the envelope? (Page 1 Item #2)		
8. Have you allowed ample time for the bid to reach the Business Office?		

Thank you.

 School Business Administrator/Board Secretary,
 _____ **BOARD OF EDUCATION**



GENERAL

SPECIFICATIONS



School Business Administrator
Board Secretary

_____ **BOARD OF EDUCATION**

Title of Bid

INSTRUCTIONS TO BIDDERS

1. **BIDS ARE TO BE SUBMITTED TO:** _____,
School Business Administrator/Board Secretary
Business Office
_____ Board of Education
_____, New Jersey

BY: **00:00 a.m.** PREVAILING TIME ON: **Weekday, Month 00, 2000**
by mail, delivery service or in person. Bids that are submitted are to be sealed and will be unsealed and announced at the bid opening meeting.

2. Bids must be placed in a *sealed* envelope/package marked as shown below on the front of the envelope/package. Bidders should also keep a complete copy of the bid packet, exactly as submitted.

Envelope Label Information:

District : _____ **Board of Education**

Bid Number: 00-00
Project: Title of Bid
Bid Date: Weekday, Month 00, 2000
Bid Time: 00:00 a.m.

Bidder : *Name of Company*
Address
City, State Zip

3. The Board of Education does not accept electronic (e-mail) submission of bids. **Failure to properly label the bid envelope may lead to the rejection of the bid.**

4. BID OPENING MEETING

All bids will be publicly received and unsealed by the School Business Administrator/Board Secretary opened in the Board of Education Meeting Rooms, Location, City, State, and read beginning at **00:00 a.m.** on **Weekday, Month 00, 2000**. Bidders and/or their authorized agents, and the general public are invited to be present at the bid opening. It is the responsibility of each bidder to ensure that their bid is complete and presented to the School Business Administrator/Board Secretary prior to the advertised bid date and time. No bids shall be received or accepted by the Board of Education after the advertised bid date and time. (N.J.S.A. 18A:18A:21(b))

5. AFFIRMATIVE ACTION REQUIREMENTS

Each 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:

- i. Appropriate evidence that the contractor is operating under an existing federally approved or sanctioned affirmative action program; or
- ii. A certificate of employee information report approval issued in accordance with N.J.A.C.17:27-4; or
- iii. 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.

Please note: A completed and signed Affirmative Action Questionnaire is required with submission of bid. However, the Board will accept in lieu of the Questionnaire, Affirmative Action Evidence in the form of a current Certificate of Employee Information Report submitted with the bid.

“If awarded a contract your company/firm will be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

6. AMERICANS WITH DISABILITIES ACT

The contractor must comply with all provisions of the Americans with Disabilities Act (ADA), P.L 101-336, in accordance with 42 U.S.C. S121 01 et seq.

7. ALTERNATIVE DISPUTE RESOLUTION PROCESS

All disputes relating to the performance of the contract shall be submitted first to non-binding mediation by a single mediator. The mediation shall be held at the Board of Education offices before a single mediator who is mutually acceptable to the parties. The parties shall share the mediator’s fees equally. If the dispute is submitted for mediation, the neutral party must demonstrate knowledge of the Board of Education Contract Law. The arbitration of claims is expressly excluded under this contract. This alternative dispute resolution practices required by this section shall not apply to disputes concerning the bid solicitation process, or to the formation of contracts. Nothing shall prevent either party from seeking injunctive or declaratory relief in court at any time.

8. **BID GUARANTEE AND BONDING REQUIREMENTS (N.J.S.A. 18A:18A-24)**

Please note: The name, address, and phone number of the Bond Underwriter as well as the Bond Number shall be included with all bonds submitted to the Board of Education.

A. Bid Guarantee REQUIRED NOT REQUIRED

When required, each bid shall be accompanied by a bid bond, cashiers or certified check for ten per cent (10%) of the amount of the total contract, but not in excess of \$20,000. This guarantee shall be made payable to the _____ Board of Education. Such deposit shall be forfeited upon refusal of a bidder to execute a contract; otherwise, checks shall be returned when the contract is executed and surety (performance) bond is filed with the Board of Education.

The bid security check for unsuccessful bidders, if requested, will be returned as soon after the bid opening as possible but in no event later than (10) days after the bid opening.

Please note: Uncertified business checks, personal checks or money orders are not acceptable.

All bid bonds submitted must be signed and witnessed with original signatures. The Board will not accept facsimile or rubber stamp signatures on the bid bond. Failure to sign the bid bond by either the Surety or Principal shall be deemed cause for disqualification of the bid. The Attorney-in-Fact who executes the bond on behalf of the surety shall affix to the bond a certified and current copy of the Power of Attorney. The name, address and phone number of the Bond Underwriter as well as the Bond Number shall be included with all bonds submitted to the Board.

The _____ Board of Education will only accept bid bonds from companies that are licensed and qualified to do business in the State of New Jersey. Such a list (Approved Surety Companies) may be available upon request to the State of New Jersey, Department of Banking and Insurance, P.O. Box 325, Trenton, New Jersey 08625.

The board **will not** accept a bid with multiple bid numbers listed on the bid bond.

Failure to submit or sign a bid guarantee when required shall be cause for disqualification and rejection of bid.

B. Certificate (Consent) of Surety REQUIRED NOT REQUIRED

When required, each bidder shall submit with its bid, a certificate from a surety company stating that the surety company will provide the contractor with a performance bond in an amount equal to the amount of the contract (N.J.S.A. 18A:18A-25). Such surety company must be licensed and qualified to do business in the State of New Jersey. The certificate (consent) of Surety, together with a power of attorney, must be submitted with the bid. ***Failure to submit or sign the certificate (consent) of surety will be cause for disqualification and rejection of bid.***

C. Performance Bond REQUIRED NOT REQUIRED

When required, the successful bidder shall furnish a Performance, Payment and Completion Bond in a sum of at least one hundred percent (100%) of the total amount payable by the terms of this Contract. Such written guarantee shall be made payable to the _____ Board of Education and shall be in the form required by Statute.

Such bond shall further carry a stipulation that no advance, premature, excessive or delayed payments by the Owner shall in any way affect the obligation of the Surety on its bond.

Such bond shall further stipulate that no payments made to the Contractor, nor partial or entire use of occupancy of the work by the Owner shall be an acceptance of any work or materials not in accordance with this Contract and the Surety shall be equally bound to the same extent as the Contractor.

It is expressly stipulated that the Surety for the Contractor on the project shall be obligated to make periodic inquiries of the Owner at reasonable times, to determine whether its Principal has performed or was performing the Contract in accordance with all of its terms and conditions, particularly in relation to the progress payments scheduled under said Contract with the Owner.

In the event the Contractor defaults or fails to perform or finish the work prescribed under the Contract for any reason whatsoever, it shall become the unqualified obligation of the Surety for the defaulting contractor to complete the Contract in accordance with its terms following receipt of notice from the owner of such default.

The Contractor shall execute a formal contract with the Board in the form required and in such number of counterparts as the Board may request. Such Performance, Payment and Completion Bond shall be furnished and such Contracts shall be executed and delivered by the contractor within ten (10) days after the receipt by the contractor of notice accepting his bid by the Board.

The Board of Education will only accept performance bonds from surety companies that are licensed and qualified to do business in the State of New Jersey.

9. BID PRICE GUARANTEE – Ninety (90) Days from Award of Contract

When the Board of Education requests bid prices for supplies, materials and equipment, the contractor(s) shall agree to guarantee the bid price(s) for a period of ninety (90) days from the date of the award of contract. Contractor(s) may extend the bid price guarantee through written permission to the Board of Education.

10. BID PRICES

In the event of discrepancy between the unit price and the extension, the unit price will govern. The Board assumes no responsibility to recalculate totals if award is made on the basis of totals.

11. BID PROPOSAL FORM

All bids are to be written in by typewriter or ink in a legible manner on the official Bid Proposal Form. Any bid price showing any erasure or alteration must be initialed by the bidder in ink, at the right margin next to the altered entry. Failure to initial any erasure or alteration may be cause to disqualify that particular bid entry. If the disqualified entry is a required one, the entire bid may be subject to rejection, so please fill out all entries with care.

The Bid Proposal Form must be duly signed by the authorized representative of the company in the appropriate space, at the end of the Bid Proposal Form. ***Failure to sign the Bid Proposal Form may be cause to disqualify the entire bid.*** If the Bid Proposal Form contains more than one sheet, then bidders are requested to affix the company name and address on each intervening sheet between the front sheet and the signature sheet which already bear the company information.

The Board of Education will not consider any bid on which there is any alteration to, or departure from, the bid specifications. Bidders are not to make any changes on the Bid Proposal Form, or qualify their bid with conditions differing from those defined in the contract documents. If bidders do make changes on the Bid Proposal Form, except as noted above for initialed clerical mistakes, it shall be cause to disqualify that particular bid as non-responsive N.J.S.A. 18A:18A-2(y).

Bidders are to submit one bid price per item. The Board will not accept multiple bids on an individual basis, nor will the Board accept a “bottom line” or “all or none” bid subject to the bidder receiving the entire contract.

12. BIDDER COMMENT SHEET

This form is for bidder’s use in offering voluntary alternates, or other comments intended to afford the Board information or opportunities to improve the quality of the project, without invalidating the bid proposal. It may *not* be used to take exception to specific conditions of the project defined in the contract documents which the bidder does not like. The bid provided must be based upon the plans and specifications, and all contract conditions, as stated. If these documents or conditions contain some untenable item, or extremely expensive provision, for example, to which the bidder wishes to raise objection, this must be done at the pre-bid meeting, or in writing to the Architect or School Business Administrator/Board Secretary through the question process outlined in the Instructions to Bidders. Such inquiries will have response issued by addendum only, and the resulting decision circulated to all bidders of record.

13. BIDDER’S RESPONSIBILITY FOR BID SUBMITTAL

It is the responsibility of the bidder to ensure that their bid is presented to the Business Office and officially received before the advertised date and time of the bid. It is understood and agreed upon that any person in the Board of Education will be absolved from responsibility for the premature opening of any bid not properly labeled and sealed.

14. BRAND NAME OR EQUIVALENT

Whenever the Board of Education requests a brand name for a particular item, it will consider a “brand name or equivalent”. If the bidder desires to bid an equivalent item the bidder shall do the following:

- a. On the Bid Proposal Form, write in ink next to the item requested, the bidder’s substitute item, including brand name, model number and full description of item. This is the only change to the Bid Proposal Form the Board will accept.
- b. Provide a sample of the substitute item if requested. The sample item must be provided before or at the time of the bid opening. With the sample item shall be a paper, brochure or illustrative literature outlining the brand/manufacturer name, model number and full description of item.
- c. If a sample is not required the Board requests a brochure, pamphlet, or illustrative literature that outlines the specifications of the item including manufacturer’s name, model number, etc.
- d. **Failure to provide a sample item or literature about substitute bids when requested may be cause for disqualification of that item from the bid.**
- e. It is the responsibility of the bidder to demonstrate equivalency of items offered.

Please note: Bidders are to only bid brand name or equivalent. The Board will not accept multiple bids on individual items.

15. BUSINESS REGISTRATION CERTIFICATE (N.J.S.A. 52:32-44)

Pursuant to N.J.S.A. 52:32-44 as amended, all bidders shall submit with their bid package a copy of their “New Jersey Business Registration Certificate” as issued by the Department of Treasury of the State of New Jersey. Failure to provide the New Jersey Business Registration Certification prior to the award of contract, will be cause for the rejection of the entire bid.

Goods and Services Contracts

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, a 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, remit, and notify all subcontractors and their affiliates that they must collect and remit to the Director of the 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.

16. CHALLENGES TO BID SPECIFICATIONS (N.J.S.A. 18A:18A-15)

Any prospective bidder who wishes to challenge a bid specification shall file such challenges in writing with the School Business Administrator/Board Secretary no less than three (3) business days prior to the opening of bids. Challenges filed after that time shall be considered void and having no impact on the Board of Education or the award of a contract.

17. COMPLIANCE WITH ALL LAWS -- *Where applicable*

Special attention is called to requirements for Public Liability and Property Damage Insurance, Workmen's Compensation Insurance, Social Security Act, Labor, Employment, Unemployment, Wages, Hours, Discrimination in Employment and Assignment of Contract.

The provisions of the New Jersey School Law shall bind all parties and interests to the Contract. Contractor shall comply with all Federal and State Laws, and all rules and regulations of health, public or other authorities controlling or limiting the methods, materials to be used or actions of those employed in work of this kind.

Any labor or material in addition to that described in the specifications and which is necessary to comply with these laws, rules, ordinances or regulations shall be provided by the Contractor.

Contractor shall keep himself informed of all existing and future State and Federal Laws in any manner affecting those engaged or employed in the work, and shall protect and indemnify the Owner, its officers, members and agents against any claim or liability arising from or based on the violation of any such law, ordinance, regulation order or defects.

Contractor is to comply with the New Jersey State Uniform Construction Code and the local municipal Construction Code. Contractor is to obtain local municipal building permit and pay for same. Contractor is to abide by local inspection requirement.

18. CONTRACTS

A. Award of Contract, Rejection of Bid(s)

The contract shall be awarded, if at all, to the lowest responsible bidder as determined by the Board of Education. The Board of Education reserves the right to reject any or all bids pursuant to N.J.S.A. 18A:18A-2(s), (t), (x), (y), 18A:18A-4(a), 18A:18A-22, and to waive any informalities and to take such alternates that the Board feels are in the best interests of the Board. The Board may at its option accept the lowest bid on each item and split awards among the various bidders who submit the lowest responsible bids. Pursuant to

N.J.S.A. 18A:18A-36 the Board of Education shall award the contract or reject all bids within sixty (60) days, noting the exception highlighted in the law.

B. Equal Prices

Pursuant to N.J.S.A. 18A:18A-37(d) when two or more bidders submit equal prices and the prices are the lowest responsible bids, the Board may award the contract to the vendor whose response, in the discretion of the Board, is the most advantageous, price and other factors considered.

C. Return of Contracts and Related Contract Documents--When required

Upon notification of award of contract by the Board of Education, the contractor shall sign and execute a formal contract agreement between the Board of Education and the contractor, **when required**.

If a formal contract is not required by the Board of Education, an approved and signed Board of Education Purchase Order will constitute as a contractual agreement. When a formal contract is required the contractor shall sign and execute said contracts and return said contracts along with the following:

1. Performance Bond in the total amount of the contract (**if required**);
2. Insurance Certificate with the _____ Board of Education as an additional insured (**if required**);
3. Affirmative Action Evidence Affirmative Action Certificate of Employee Information Report; and
4. Other required documents as may be outlined in the bid specifications.

The executed contracts and related documents must be returned to:

School Business Administrator/Board Secretary

Board of Education

_____, New Jersey

within ten (10) days of receipt of notification. Failure to execute the contract and return said contract and related documents within the prescribed time may be cause for a delay in payment for services rendered or products received or the annulment of award by the Board of Education with the bid security becoming property of the Board of Education. The Board of Education reserves the right to accept the bid of the next lowest responsible bidder, in such a case.

D. Renewal of Contract; Services

The Board of Education may, at its discretion, request that a contract for services be renewed in full accordance with N.J.S.A. 18A:18A-42. The School Business Administrator/Board Secretary may negotiate terms for a renewal of contract proposal and present such negotiated proposal to the Board of Education. All multi-year contracts and renewals are subject to the availability and appropriation annually of sufficient funds as may be needed to meet the extended obligation.

The Board of Education is the final authority in awarding renewals of contracts.

E. Term of Contract

The contractor, to whom the contract is awarded, will be required to do and perform the work/services and to provide and furnish the materials in connection therewith in accordance with the plans and specifications on or before the date listed in the Technical Specifications.

F. Purchase Order Required; Notice to Proceed

No contractor or vendor shall commence any project, provide any service or deliver any goods until he is in receipt of an approved purchase order authorizing work to begin or goods to be delivered.

19. DEBARMENT, SUSPENSION, OR DISQUALIFICATION

The Board of Education will not enter into a contract for work with any person, company or firm that is on the State Department of Labor and Workforce Development; Prevailing Wage Debarment List, or the State of New Jersey Consolidated Debarment Report (www.state.nj.us/treasury/debarred).

All bidders are required to submit a sworn statement indicating whether or not the bidder is, at the time of the bid, included on the State Department of Labor and Workforce Development; Prevailing Wage Debarment List or the State of New Jersey Consolidated Debarment Report, or the Federal Debarred Vendor List--Excluded Parties List System—System for Award Management—SAM.gov

20. DELETION OF BIDDERS FROM BIDDERS LIST

The Board of Education will delete the name of vendors from the Board's list of bidders if on three (3) occasions the vendor did not respond to a request for bids. A letter from the vendors stating "no bid" will not be considered as a "no response to bid."

21. DELIVERY

FOB Destination, Freight Prepaid - The contractor, to whom the contract is awarded, retains title and control of goods and selects the carrier and is responsible for the risk of transportation; title passes to the Board of Education upon delivery and ownership by the Board; the successful bidder pays and bears the costs of all freight and delivery charges listed below. The Board of Education recognizes two (2) types of delivery:

A. Inside Delivery

Items are to be delivered to a Board of Education location and taken off the truck by transportation carrier personnel and brought to a designated area inside the school or office building.

B. Spotted Delivery

Items are to be delivered to a Board of Education location and taken off the truck by transportation carrier personnel and brought to a designated area inside the school or office building. Transportation carrier personnel are responsible to then uncrate, setup, assemble items to determine good working order and remove all debris to the satisfaction of the Board of Education.

Contractors are cautioned to provide adequate personnel to deliver goods as none will be provided by the Board of Education.

If a specialized person is needed to setup, assemble or erect item, such assembly shall be completed within five (5) school days of the actual delivery date.

Failure to assemble, setup, or erect items within the stated time may result in a \$100.00 per day assessment against the bidder for each day items are not assembled, setup or erected.

The Board of Education will not be responsible for any extra delivery costs. All bid prices for materials, goods and supplies are to include all shipping, freight, delivery and handling costs.

Specific delivery instructions are provided in the General Specifications.

Please note! All packages, boxes, cartons etc., when delivered, must be plainly marked on the outside as to contents, and the Board of Education's purchase order number must be clearly printed on the packages, boxes, cartons, etc.

Delivery Guarantee

The contractor agrees to deliver the item(s) so listed in the bid specifications within the prescribed number of days also outlined in the bid specifications.

Failure to deliver the designated items within the prescribed period of time shall cause the Board of Education to deduct penalties as per the schedule listed in the general specifications.

Delivery Times

The contractor shall deliver items to the schools Monday through Friday

9:00 a.m. through 12:00.NOON

Vendors are to secure written permission from the Director of Facilities at _____ to deliver items during times other than previously mentioned.

22. DOCUMENTS, MISSING/ILLEGIBLE

The bidder shall familiarize himself with all forms* provided by the Board that are to be returned with the bid. If there are any forms either missing or illegible, it is the responsibility of the bidder to contact the School Business Administrator/Board Secretary at for duplicate copies of the forms. This must be done before the bid date and time. The Board accepts no responsibility for duplicate forms that were not received by the bidder in time for the bidder to submit with his bid.

23. DOCUMENT SIGNATURES – ORIGINAL; BLUE INK

All documents returned to the Board shall be signed with an original signature in ink (blue). Failure to sign and return all required documents with the bid package may be cause for disqualification and for the bid to be rejected pursuant to N.J.S.A. 18A:18A-2(y) (non-responsive). The Board will not accept facsimile or rubber stamp signatures.

*Forms provided by the Board of Education that must be returned with bid.

- Acknowledgement of Addenda
- Affirmative Action Questionnaire
- Bid Proposal Form
- Bidder Comment Form – Optional
- Chapter 271 Political Contribution Disclosure Form
- Contractor/Vendor Questionnaire / Certification
- Disclosure of Investment Activities in Iran
- Non-Collusion Affidavit
- Stockholders' /Partnership Disclosure Affidavit, and Ownership Declaration

*Please check your bid package for these forms!

24. ESTIMATED QUANTITIES

It is the intention of the Board of Education to order the quantities of items listed on the Bid Proposal Form. Bidders are notified that the aforementioned quantities are estimated quantities that the Board intends to

purchase and are not to be relied upon as the actual quantity to be purchased. There may be some deviation to the number of items actually ordered because of budgeting and financial constraints of the school district.

25. EXAMINATION OF SPECIFICATIONS, ACKNOWLEDGEMENT

The bidder, by submitting a proposal, acknowledges that he has carefully examined the bid specifications, documents, addenda (if any), and the site; and that from his investigation, he has satisfied himself as to the nature and location of the work, the general and local conditions and all matters which may in any way affect the work or its performance, and that as a result of such examination, he fully understands the intent and purpose thereof, his obligations thereunder, and that he will not make any claim for, or have any right to damages, because of the lack of any information.

Each bidder submitting a bid for a service contract shall include in his bid price all labor, materials, equipment, services, and other requirements necessary, or incidental to, the completion of the work, and other pertinent work as hereinafter described, in accordance with the bid specifications and documents.

26. FALSE MATERIAL REPRESENTATION – N.J.S.A. 2C:21-34-97(b)

A person commits a crime if the person knowingly makes a material representation that is false in connection with the negotiation, award or performance of a government contract. If the contract amount is for \$25,000.00 or above, the offender is guilty of a crime of the second degree. If the contract amount exceeds \$2,500.00, but is less than \$25,000.00, the offender is guilty of a crime of the third degree. If the contract amount is for \$2,500.00 or less, the offender is guilty of a crime of the fourth degree.

27. FORCE MAJEURE

Neither party shall be liable in damages for any failure, hindrance or delay in the performance of any obligation under this Agreement if such delay, hindrance or failure to perform is caused by conditions beyond the control of either party, including, but not limited to, Acts of God, flood, fire, war or the public enemy, explosion, government regulations whether or not valid (including the denial or cancellation of any export or other necessary license), court order, state funding, or other unavoidable causes beyond the reasonable control of the party whose performance is affected which cannot be overcome by due diligence.

Vendors, and/or contractors who have a contract with the Board of Education to provide goods or services cannot unilaterally claim an increase in the cost of the contract because of Force Majeure.

28. INSURANCE AND INDEMNIFICATION REQUIRED NOT REQUIRED

The bidder to whom the contract is awarded for any service work or construction work shall secure, pay the premiums for and keep in force until the contract expires, insurance of the types and amounts listed below:

Commercial General Liability \$2,000,000 General Aggregate
\$2,000,000 Products
\$1,000,000 Personal Injury
\$1,000,000 Each Occurrence Combined Single Limit for Bodily Injury and
Property Damage
\$ 100,000 Pollution Cleanup
\$ 50,000. Fire Damage
\$ 5,000. Medical Expense
Excess Umbrella Liability \$4,000,000
\$1,000,000 Sexual Harassment

Comprehensive Automobile Liability Insurance

\$1,000,000 Combined Single Limit for Bodily Injury and property damage

(A) Insurance Certificate – When Required

- a. The contractor must present to the Board of Education an insurance certificate in the above types and amounts before any work or service begins.
- b. Automobile liability insurance shall be included to cover any vehicle used by the insured.
- c. The certificate holder shall be as follows:

_____ Board of Education
 c/o The Business Office

- d. Additional Insured Claim -- The contractor shall include the following clause on the insurance certificate.

“ _____ Board of Education is named as an additional insured”

OTHER INSURANCES

WORKERS COMPENSATION Evidence of adequate Workers Compensation Insurance as required by the laws of the State of New Jersey and the United States, must be available for perusal. The minimum limits are the following, unless a greater amount is required by law:

Bodily Injury by Accident	\$1,000,000. Each Accident
Bodily Injury by Disease	\$1,000,000. Policy Limit
Bodily Injury by Disease	\$1,000,000. Each Employee

(B) Indemnification

The contractor shall assume all risk of and responsibility for, and agrees to indemnify, defend, and save harmless the Board and its agents, employees and Board members, from and against any and all claims, demands, suits, actions, recoveries, judgments and costs and expenses (including, but not limited to, attorneys fees) in connection therewith on account of the loss of life or property or injury or damage to any person, body or property of any person or persons whatsoever, which shall arise from or result directly or indirectly from the work and/or materials supplied under this contract and the performance by contractor of services under the contract or by a party for whom the contractor is liable.

This indemnification obligation is not limited by, but is in addition to, the insurance obligations contained in this agreement.

The Contractor is to assume all liability of every sort incident to the work, including property damage caused by him or his men or by any subcontractor employed by him or any of the subcontractor’s men.

29. INTERPRETATIONS AND ADDENDA

No interpretation of the meaning of the specifications will be made to any bidder orally. Every request for such interpretations should be made in writing to the School Business Administrator/Board Secretary must be received at least ten (10) days prior to the date fixed for the opening of bids to be given consideration. Any and all interpretations and any supplemental instructions will be distributed in the form of a written addenda to the specifications. The addenda will be provided in accordance with N.J.S.A. 18A:18A-21(c) to the bidders by certified mail or certified fax no later than seven (7) days Saturdays, Sundays, and holidays

excepted, prior to the date for acceptance of bids. All addenda so issued shall become part of the contract document.

30. IRAN DISCLOSURE OF INVESTMENT ACTIVITIES N.J.S.A. 18A:18A-49.4

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders must review this list prior to completing the below certification. 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.

In addition, bidders 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 on the lower portion of the enclosed form.

Failure to complete, sign and submit the Disclosure of Investment Activities in Iran form with the bid shall be cause for rejection of the bid.

31. LIABILITY – COPYRIGHT

The contractor shall hold and save the Board of Education, its officials and employees, harmless from liability of any nature or kind for or on account of the use of any copyrighted or uncopyrighted composition, secret process, patented or unpatented invention, article or appliance furnished or used in the performance of his contract.

32. LIQUIDATED DAMAGES

Liquidated damages shall be assessed against the contractor in the amount as listed in the General Specifications, and Contract should the contract/work/service not be completed in accordance with the plans and specifications.

33. NON-COLLUSION AFFIDAVIT

A notarized Non-Collusion Affidavit shall be submitted with the bid. (N.J.S.A. 52:34-15)

34. PAYMENTS

Every effort will be made to pay vendors and contractors within thirty (30) to sixty (60) days provided the Board of Education receives the appropriate documentation including but not limited to:

- Signed voucher by vendor;
- Packing Slips; and
- Invoices.

Payment will be rendered upon completion of services or delivery of full order to the satisfaction of the Board of Education, unless otherwise agreed to by written contract or mandated by N.J.S.A.18A:18A-40.1. The Board at its discretion may make partial payments. All payments are subject to approval by the Board of Education at a public meeting. Payment may be delayed from time to time depending on the Board of Education meeting schedule.

Invoices

The invoice clearly outlines the goods received or services rendered and the date(s) the services were rendered.

- The invoice must include the full name and address of the company.
- The invoice must include the purchase order number from the board of education.
- The invoice must have the company's invoice number that may be used as reference.
- The invoice must list the goods or services rendered.
- The invoice must be submitted to the Business Office.
- Invoices must be submitted within thirty (30) days of service.

35. POLITICAL CONTRIBUTIONS DISCLOSURE – REQUIREMENTS

Pursuant to N.J.A.C. 6A:23A-6.3 (a) (1-4) please note the following:

Award of Contract -- Reportable Contributions -- N.J.A.C. 6A:23A-6.3 (a) (1)

"No board of education will vote upon or award any contract in the amount of \$17,500 or greater to any business entity which has made a contribution reportable by the recipient under P.L.1973, c83 (codified at N.J.S.A. 19:44A-1 et seq.) to a member of the board of education during the preceding one year period.

Contributions During Term of Contract – Prohibited -- N.J.A.C. 6A:23A-6.3 (a) (2-3)

"Contributions reportable by the recipient under P.L. 1973, c83 (codified at N.J.S.A. 19:44A-1 et seq.) to any member of the school board from any business entity doing business with the school district are prohibited during the term of the contract."

"When a business entity referred in 4.1(e) is a natural person, contribution by that person's spouse or child that resides therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity."

Chapter 271 Political Contribution Disclosure Form – Required -- N.J.A.C. 6A:23A-6.3 (a) (4)

All bidders shall submit with their bid package a completed and signed Chapter 271 Political Contribution Disclosure Form. The Chapter 271 form will be reviewed by the district to determine whether the vendor is in compliance with the aforementioned N.J.A.C. 6A:23A-6.3 (a) (2) Award of Contract.

36. POLITICAL CONTRIBUTION DISCLOSURE STATEMENT – PAY TO PLAY

A business entity as defined by law is advised of its responsibility to file an annual disclosure statement on political contributions with the **New Jersey Election Law Enforcement Commission** pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005 Chapter 271 section 3) if the business entity receives contracts in excess of \$50,000 from public entities in a calendar year. It is the business entity's responsibility to determine if filing is necessary. Additional information on this requirement is available from the New Jersey Election Law Enforcement commission at 1-888-313-3532 or at www.elec.nj.us.

37. PRODUCT GUARANTEE; NO SUBSTITUTIONS

The contractor shall guarantee that all goods and materials supplied shall be new, unused and meet the specifications as noted in this bid. The Board of Education will not accept substituted items that deviate from the items listed on the purchase order.

38. QUALIFICATION OF BIDDERS - Contractor Questionnaire Certification Form

The Board of Education may make such investigations as it seems necessary to determine the ability of the bidder to perform the terms of the contract. The bidder shall complete a Contractor Questionnaire Certification Form and return same with the bid and shall furnish all information to the Board as the Board may require to determine the contractor's ability to perform the duties and obligations as outlined in these specifications.

39. RIGHT TO KNOW LAW

All potentially hazardous materials or substances must be properly labeled in full accordance with the New Jersey Right to Know Law - N.J.S.A. 34:5A-1 et seq. All contractors or vendors who need additional information about the New Jersey Right to Know Law are to contact the:

New Jersey Department of Health
Right to Know Program
CN 368
Trenton, New Jersey 08625-0368

40. SAMPLES

From time to time the School Business Administrator/Board Secretary may require the submission of samples either before or at the time of the bid, at no charge to the district, in order to ascertain whether or not a product will be suitable for the purpose for which it is intended. If it is specifically stated elsewhere in the bid documents that samples are required, full size samples must be submitted not later than the official *BID OPENING*. Failure to submit said samples may be regarded as a basis for rejecting the bid. Samples may be impounded until satisfactory completion of the contract. Otherwise, all samples must be picked up by the bidder within thirty (30) days of the award of contracts or said samples will be presumed abandoned and the School Business Administrator/Board Secretary will dispose of them as he sees fit.

41. STOCKHOLDERS' DISCLOSURE

All bidders are hereby notified that every corporation and partnership, according to the provision of Chapter 33, Laws of 1977 of the State of New Jersey, must submit a statement prior to the receipt of the bid or accompanying the bid, setting forth the names and addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, of any class or of all partners in the partnership, who own 10% or greater interest herein, as the case may be. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of that corporation's stock, or the individual partners 10% or greater interest in that partnership, 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, exceeding the 10% ownership criteria established in this act, has been listed. (N.J.S.A. 52:25-24.2)

42. SUBCONTRACTING; ASSIGNMENT OF CONTRACT

Contractors, services providers, and all vendors with whom the Board of Education has an executed contract may not subcontract any part of any work done or assign any part of contract for goods or materials for the Board without first receiving written permission from the School Business Administrator/Board Secretary.

Contractors, service providers, and vendors using subcontractors assume all responsibility for work performed by subcontractors. The Board Business Office may require the following documents to be secured from all approved subcontractors:

- a. Insurance Certificate as outlined in the bid specifications;
- b. Affirmative Action Evidence as outlined in the bid specifications;
- c. Written certification that the subcontractor shall adhere to prevailing wages as

provided through New Jersey State Law.

In cases of subcontracting, the Board of Education shall only pay the prime contractor. It is the sole responsibility of the prime contractor to ensure that all subcontractors are paid. The Board of Education shall not be responsible for payments to subcontractors and shall be held harmless against any or all claims generated against prime contractors for non payment to subcontractors.

Transportation carriers hired by the vendor to deliver goods and materials are not considered to be subcontractors.

43. TAXES

As a New Jersey governmental entity, the Board of Education is exempt from the requirements under New Jersey state sales and use tax (N.J.S.A. 54:32B-1 et seq.), and does not pay any sales or use taxes. Bidders should note that they are expected to comply with the provisions of said statute and the rules and regulations promulgated thereto to qualify them for examinations and reference to any and all labor, services, materials and supplies furnished to the Board of Education. Contractors may not use the Board's tax exempt status to purchase supplies, materials, service or equipment.

A contractor may qualify for a New Jersey Sales Tax Exemption on the purchase of materials, supplies and services when these purchases are used exclusively to fulfill the terms and conditions of the contract with the Board of Education. All contractors are referred to New Jersey Division of Taxation–Tax Bulletin S&U-3 for guidance. Again, contractors are not permitted to use the Board's tax identification number to purchase supplies, materials, services of equipment.

44. TERMINATION OF CONTRACT

If the Board determines that the contractor has failed to comply with the terms and conditions of the bid and/or proposal upon which the issuance of the contract is based or that the contractor has failed to perform said service, duties and or responsibilities in a timely, proper, professional and/or efficient manner, then the Board shall have the authority to terminate the contract upon written notice setting forth the reason for termination and effective date of termination.

Termination by the Board of the contract does not absolve the contractor from potential liability for damages caused the District by the contractor's breach of this agreement. The Board may withhold payment due the contractor and apply same towards damages once established. The Board will act diligently in accordance with governing statutes to mitigate damages. Damages may include the additional cost of procuring said services or goods from other sources.

The contractor further agrees to indemnify and hold the District harmless from any liability to subcontractors or suppliers concerning work performed or goods provided arising out of the lawful termination of this agreement.

The contract may be terminated by the board for convenience without any liability or penalty to the board except that the contractor shall be paid for services that are rendered prior to the date of termination, excluding loss of profits, loss of business advantage, compensatory or consequential damages.

45. WITHDRAWAL OF BIDS

Before The Bid Opening

The School Business Administrator/Board Secretary may consider a written request from a bidder to withdraw a bid if the written request is received by the School Business Administrator/Board Secretary before the advertised time of the bid opening. Any bidder who has been granted permission by the School Business Administrator/Board Secretary to have his/her bid withdrawn cannot re-submit a bid for the same advertised bid project. That bidder shall also be disqualified from future bidding on the same project if the project is re-bid.

After The Bid Opening

The Board of Education may consider a written request from a bidder to withdraw a bid, if the written request is received by the School Business Administrator/Board Secretary within five (5) business days after the bid opening. A request to withdraw a bid after the specified number of days will not be honored.

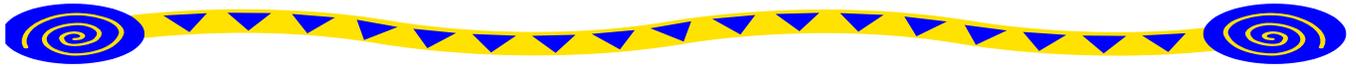
The contractor/vendor who wishes to withdraw a bid must provide a certification supported by written factual evidence that an error or omission was made by the contractor and that the error or omission was a substantial computational error or an unintentional omission or both.

The request to withdraw a bid after the bid opening may be reviewed by the School Business Administrator/Board Secretary, the Director of Facilities, other interested administrators; and the Architect of Record for the project (if necessary) and/or the Board Attorney and a recommendation will be made to the Board of Education. If the Board of Education grants permission to have the bid withdrawn the contractor/vendor shall be disqualified from bidding on the same project if the project is re-bid. If the contractor/vendor fails to meet the burden of proof to have the bid withdrawn the request to withdraw the bid will be denied and if the contractor/vendor fails to execute the contract the bid guarantee will be forfeited and become property of the Board of Education.

_____ **BOARD OF EDUCATION**



TECHNICAL SPECIFICATIONS



School Business Administrator
Board Secretary

_____ **BOARD OF EDUCATION**



BID DOCUMENTS AND REQUIRED DOCUMENTATION

All documents in this section shall be completed, signed and submitted with the bid package – Failure to submit the bid documents and other documents so specified may be cause to reject the bid for being non-responsive (N.J.S.A. 18A:18A-2(y)).



School Business Administrator
Board Secretary

To be completed, signed and returned with Bid.

Acknowledgement of Addenda

Bid Number **00-00**

Bid Date: **Weekday, Month 00, 2000**

The bidder acknowledges receipt of the hereinafter enumerated Addenda which have been issued during period of bidding and agrees that said Addenda shall become a part of this contract. The bidder shall list below the numbers and issuing dates of the Addenda.

ADDENDA NO.

ISSUING DATES

No Addenda Received

Name of Company _____

Address _____ P.O. Box _____

City, State, Zip Code _____

Name of Authorized Representative _____

Signature _____ **Date** _____

To be completed, signed and returned with Bid.

AFFIRMATIVE ACTION QUESTIONNAIRE

Bid No. 00-00

Bid Date: Weekday, Month 00, 2000

This form is to be completed and returned with the bid. However, the Board will accept in lieu of this Questionnaire, Affirmative Action Evidence Employee Information Report stapled to this page.

1. Our company has a federal Affirmative Action Plan approval. Yes No

If yes, please attach a copy of the plan to this questionnaire.

2. Our company has a N.J. State Certificate of Employee Information Report Yes No

If yes, please attach a copy of the certificate to this questionnaire.

3. If you answered "**NO**" to both questions No. 1 and 2, you must apply for an Affirmative Action

Employee Information Report – Form AA302.

Please visit the New Jersey Department of Treasury website for the Division of Public Contracts Equal Employment Opportunity Compliance:

www.state.nj.us/treasury/contract/compliance/

- a. Click on “Employee Information Report”
- b. Complete and submit the form with the appropriate payment to:

Department of Treasury
Division of Public Contracts/EEO Compliance
P.O. Box 209
Trenton, NJ 08625-0002

All fees for this application are to be paid directly to the State of New Jersey. A copy shall be submitted to the Board of Education within seven (7) days of the notice of the intent to award the contract or the signing of the contract.

I certify that the above information is correct to the best of my knowledge.

Name: _____

Signature _____

Title _____ Date _____

Name of Company _____

Address _____

City, State, Zip _____

BIDDER’S COMMENT FORM

Title of Bid

Bid No. **00-00**

Bid Date: **Weekday, Month 00, 2000**

This form is for Bidder’s use in offering voluntary alternates, or other comments intended to afford the Board information or opportunities to improve the quality of the project, without invalidating the bid proposal. It may *not* be used to take exception to specific conditions of the project defined in the contract documents which the Bidder does not like. The bid provided must be based upon the plans and specs, and all contract conditions, as stated. If these documents or conditions contain some untenable item, or extremely expensive provision, for example, to which the Bidder wishes to raise objection, this must be done at the pre bid meeting, or in writing to the Architect through the question process outlined in the Instructions to Bidders. Such inquiries will have response issued by addendum only, and the resulting decision circulated to all bidders of record. Inquires raised too close to the bid date will not be able to be answered.

Name of Company _____

Address _____

City, State, Zip _____

Name of Authorized Representative _____

Signature _____ **Title** _____ **Date** _____

To be completed, signed and returned with Bid.

Contractor/Vendor Questionnaire/Certification
Title of Bid

Bid Number **00-00**
Bid Date: **Weekday, Month 00, 2000**

Name of Company _____

Street Address _____ PO Box _____

City, State, Zip _____

Business Phone Number (____) _____ Ext. _____

Emergency Phone Number (____) _____

FAX No. (____) _____ E-Mail _____

FEIN No. _____

Years in Business _____ Number of Employees _____

References – Work previously done for School Systems in New Jersey

<u>Name of District</u>	<u>Address</u>	<u>Contact Person/Title</u>	<u>Phone</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

Vendor Certification

Direct/Indirect Interests

I declare and certify that no member of the _____ Board of Education, nor any officer or employee or person whose salary is payable in whole or in part by said Board of Education or their immediate family members are directly or indirectly interested in this bid or in the supplies, materials, equipment, work or services to which it relates, or in any portion of profits thereof. If a situation so exists where a Board member, employee, officer of the board has an interest in the bid, etc., then please attach a letter of explanation to this document, duly signed by the president of the firm or company.

I certify that I am not an official or employee of the Board of Education.

Gifts; Gratuities; Compensation

I declare and certify that no person from my firm, business, corporation, association or partnership offered or paid any fee, commission or compensation, or offered any gift, gratuity or other thing of value to any school official, board member or employee of the Board of Education.

Vendor Contributions

I declare and certify that I fully understand N.J.A.C. 6A:23A-6.3(a)(1-4) concerning vendor contributions to school board members.

I further certify that I understand that it is a crime in the second degree in New Jersey to knowingly make a material representation that is false in connection with the negotiation, award or performance of a government contract.

President or Authorized Agent (Print)

SIGNATURE

To be completed, signed and returned with Bid.

Board of Education
STATE OF NEW JERSEY – DIVISION OF PURCHASE AND PROPERTY
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

Quote Number: _____

Bidder/Offorer: _____

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://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive. If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

PLEASE CHECK 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, 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 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 non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN –

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

PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION.

Name: _____	Relationship to Bidder/Offeror _____
Description of Activities _____	

Duration of Engagement _____	Anticipated Cessation Date _____
Bidder/Offeror Contact Name _____	Contact Phone Number _____

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers 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 State of New Jersey and the State at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____ Signature _____

Title: _____ Date: _____

Name of Company: _____ City/State/Zip: _____

DDP Standard Forms Packet (11/2013)

To be completed, signed and returned with Bid.

NON-COLLUSION AFFIDAVIT

Title of Bid

Re: Bid Proposal for the _____ Board of Education.

Bid No. **00-00**

STATE OF _____

Bid Date: **Weekday, Month 00, 2000**

:SS:

COUNTY OF _____

I, _____ of the City of _____

in the County of _____ and the State of _____

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

I am _____ of the firm of _____

Position in Company

and the bidder making the Proposal for the above names contract, and that I executed the said Proposal with full authority so to do; that I have not, directly or indirectly, entered into any agreement, participated in any

collusion, discussed any or all parts of this proposal with any potential bidders, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named bid, and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the Board of Education of the City of _____ relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said bid.

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

(Print Name of Contractor/Vendor)

Subscribed and sworn to: _____
(SIGNATURE OF CONTRACTOR/VENDOR)

before me this _____ day of _____, _____.
Month Year

NOTARY PUBLIC SIGNATURE Print Name of Notary Public

My commission expires _____, _____. - Seal -
Month Day Year

To be completed, signed and returned with Bid.

STOCKHOLDER/PARTNERSHIP DISCLOSURE AND STATEMENT OF OWNERSHIP

Title of Bid

Re: Bid Proposal for the _____ Board of Education. Bid No. **00-00**

Bid Date: **Weekday, Month 00, 2000**

Please check one type of Ownership, complete the form, and execute where provided.

- | | |
|--|--|
| <input type="checkbox"/> Corporation-- | <input type="checkbox"/> Limited Partnership-- |
| <input type="checkbox"/> Partnership-- | <input type="checkbox"/> Limited Liability Corp.-- |
| <input type="checkbox"/> Sole Proprietorship-- | <input type="checkbox"/> Limited Liability Partnership-- |
| <input type="checkbox"/> Sub Chapter S Corp.-- | <input type="checkbox"/> Other _____ |

No corporation "or partnership" shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any material or supplies, the cost of which is to be paid with or out of any public funds, by the State or any county, municipality or school district, or any subsidiary or agency of the State, or by an authority, board or commission which exercises governmental functions, unless prior to the receipt of the bid or accompanying the bid of said corporation or said partnership, there is submitted a statement setting forth the names and all individual partners in the partnership who own a 10% or greater interest therein, as the case may be." If one or more such stockholder "or partner" is

itself a corporation "or partnership", the stockholder holding 10% or more of that corporation "or partnership" the individual partners owning 10% or greater interest in that partnership, 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, exceeding the 10% ownership criteria established in this act, has been listed.

IT IS MANDATORY THAT THIS FORM BE COMPLETED AND SUBMITTED WITH BID. In the event that there are no persons who own ten percent or more of the stock or ownership of the bidder, then such fact should be certified below as part of this disclosure.

Name of Company _____
 Address _____
 City, State, Zip _____

List of Owners with Ten Percent (10%) or More Interest

<u>Owner's Name</u>	<u>Home Address</u>	<u>Title/Office Held</u>	<u>Percent (%) of Partnership Shares Owned</u>

NOTE: If you need more space than that provided above, please use an extra sheet for furnishing the above required information for any remaining persons or entities.

Signature _____ **Date** _____

(form continued on next page) →→

To be completed, signed and returned with Bid.

STOCKHOLDER/PARTNERSHIP DISCLOSURE AND STATEMENT OF OWNERSHIP (cont.)

If your firm is not a corporation and/or partnership, please explain below how your firm is organized and include a list of the various principals.

Our firm, _____, is organized

Names of Principals _____ Title _____

Use additional paper if needed. Check here if additional sheets are attached.

Name of Company _____

Address _____

City, State, Zip _____

Authorized Agent _____ **Title** _____

SIGNATURE OF AUTHORIZED AGENT

To be completed, signed and returned with Bid.

_____ **Board of Education**
Business Office

_____, New Jersey

Chapter 271
Political Contribution Disclosure Form
(Contracts that Exceed \$17,500.00)
Ref. N.J.S.A. 19:44A-20.26

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that _____ (Business Entity) has made the following **reportable** political contributions to any elected official, political candidate or any political committee as defined in N.J.S.A. 19:44-20.26 during the twelve (12) months preceding this award of contract:

Reportable Contributions

<u>Date of Contribution</u>	<u>Amount of Contribution</u>	<u>Name of Recipient Elected Official/</u>	<u>Name of Contributor</u>
------------------------------------	--------------------------------------	---	-----------------------------------

		<u>Committee/Candidate</u>	

The Business Entity may attach additional pages if needed.

No Reportable Contributions (Please check (✓) if applicable.)

I certify that _____ (Business Entity) made no reportable contributions to any elected official, political candidate or any political committee as defined in N.J.S.A. 19:44-20.26.

Certification

I certify, that the information provided above is in full compliance with Public Law 2005—Chapter 271.

Name of Authorized Agent _____

Signature _____ Title _____

Business Entity _____

Title of Bid

Bid No: **00-00**

**C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM
Contractor Instructions**

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - of the public entity awarding the contract
 - of that county in which that public entity is located
 - of another public entity within that county
 - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor’s submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

¹ N.J.S.A. 19:44A-3(s): “The term “legislative leadership committee” means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures.”

P.L. 2005, c.271

(Unofficial version, Assembly Committee Substitute to A-3013, First Reprint*)

AN ACT authorizing units of local government to impose limits on political contributions by contractors and supplementing Title 40A of the New Jersey Statutes and Title 19 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

40A:11-51 1. a. A county, municipality, independent authority, board of education, or fire district is hereby authorized to establish by ordinance, resolution or regulation, as may be appropriate, measures limiting the awarding of public contracts therefrom to business entities that have made a contribution pursuant to P.L.1973, c.83 (C.19:44A-1 et seq.) and limiting the contributions that the holders of a contract can make during the term of a contract, notwithstanding the provisions and parameters of sections 1 through 12 of P.L.2004, c.19 (C. 19:44A-20.2 et al.) and section 22 of P.L.1973, c.83 (C.19:44A-22).

b. The provisions of P.L.2004, c.19 shall not be construed to supersede or preempt any ordinance, resolution or regulation of a unit of local government that limits political contributions by business entities performing or seeking to perform government contracts. Any ordinance, resolution or regulation in effect on the effective date of P.L.2004, c.19 shall remain in effect and those adopted after that effective date shall be valid and enforceable.

c. An ordinance, resolution or regulation adopted or promulgated as provided in this section shall be filed with the Secretary of State.

19:44A-20.26 2. a. Not later than 10 days prior to entering into any contract having an anticipated value in excess of \$17,500, except for a contract that is required by law to be publicly advertised for bids, a State agency, county, municipality, independent authority, board of education, or fire district shall require any business entity bidding thereon or negotiating therefor, to submit along with its bid or price quote, a list of political contributions as set forth in this subsection that are reportable by the recipient pursuant to the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.) and that were made by the business entity during the preceding 12 month

period, along with the date and amount of each contribution and the name of the recipient of each contribution. A business entity contracting with a State agency shall disclose contributions to any State, county, or municipal committee of a political party, legislative leadership committee, candidate committee of a candidate for, or holder of, a State elective office, or any continuing political committee. A business entity contracting with a county, municipality, independent authority, other than an independent authority that is a State agency, board of education, or fire district shall disclose contributions to: any State, county, or municipal committee of a political party; any legislative leadership committee; or any candidate committee of a candidate for, or holder of, an elective office of that public entity, of that county in which that public entity is located, of another public entity within that county, or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county, or any continuing political committee.

The provisions of this section shall not apply to a contract when a public emergency requires the immediate delivery of goods or services.

b. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by: all principals, partners, officers, or directors of the business entity or their spouses; any subsidiaries directly or indirectly controlled by the business entity; or any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee, shall be deemed to be a contribution by the business entity.

c. As used in this section:

"business entity" means a natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

"interest" means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate; and

"State agency" means any of the principal departments in the Executive Branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch, and any independent State authority, commission, instrumentality or agency.

P.L. 2005,c271

Page 2

d. Any business entity that fails to comply with the provisions of this section shall be subject to a fine imposed by the New Jersey Election Law Enforcement Commission in an amount to be determined by the commission which may be based upon the amount that the business entity failed to report.

19:44A-20.13 3. a. Any business entity making a contribution of money or any other thing of value, including an in-kind contribution, or pledge to make a contribution of any kind to a candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, or to a political party committee, legislative leadership committee, political committee or continuing political committee, which has received in any calendar year \$50,000 or more in the aggregate through agreements or contracts with a public entity, shall file an annual disclosure statement with the New Jersey Election Law Enforcement Commission, established pursuant to section 5 of P.L.1973, c.83 (C.19:44A-5), setting forth all such contributions made by the business entity during the 12 months prior to the reporting deadline.

b. The commission shall prescribe forms and procedures for the reporting required in subsection a. of this section which shall include, but not be limited to:

(1) the name and mailing address of the business entity making the contribution, and the amount contributed during the 12 months prior to the reporting deadline;

(2) the name of the candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee or continuing political committee receiving the contribution; and

(3) the amount of money the business entity received from the public entity through contract or agreement, the dates, and information identifying each contract or agreement and describing the goods, services or equipment provided or property sold.

c. The commission shall maintain a list of such reports for public inspection both at its office and through its Internet site.

d. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by: all principals, partners, officers, or directors of the business entity, or their spouses; any subsidiaries directly or indirectly controlled by the business entity; or any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee, shall be deemed to be a contribution by the business entity.

As used in this section:

"business entity" means a natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction; and

"interest" means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate.

e. Any business entity that fails to comply with the provisions of this section shall be subject to a fine imposed by the New Jersey Election Law Enforcement Commission in an amount to be determined by the commission which may be based upon the amount that the business entity failed to report.

4. This act shall take effect immediately.

* Note: Bold italicized statutory references of new sections are anticipated and not final as of the time this document was prepared. Statutory compilations of N.J.S.A. 18A:18A-51 is anticipated to show a reference to N.J.S.A. 40A:11-51 and to N.J.S.A. 19:44A-20.26

List of Agencies with Elected Officials Required for Political Contribution Disclosure

N.J.S.A. 19:44A-20.26

Insert list of Agencies with Elected Officials

APPENDIX A

AMERICANS WITH DISABILITIES ACT OF 1990

Equal Opportunity for Individuals with Disability

The contractor and the _____ Board of Education (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. 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 owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and

all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

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

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

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

Appendix A

BID SPECIFICATIONS FOR THE LABELING OF LIQUID, POWDER AND GASEOUS SUPPLIES DELIVERED TO THE BOARD OF EDUCATION

RIGHT TO KNOW

1. All products that you deliver to the _____ School System must be labeled in accordance with the New Jersey Right to Know Law (N.J.S.A. 34:5A-1 et seq.)
 - A. The label must list the 5 predominant ingredients and any hazardous chemicals in the product.
 - B. Next to each chemical name will be the CAS number of that chemical.

C. The label must be attached to each container (bottle, box, can, bucket, etc.)

2. Material Safety Data Sheets (MSDSs) must accompany the first shipment of the product.
3. The Board of Education reserves the right to reject any shipment not in compliance with the above specifications.

Appendix B

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)

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

(REVISED 4/10)

Appendix C

STATE OF NEW JERSEY
Division of Purchase & Property
Contract Compliance Audit Unit
EEO Monitoring Program

EMPLOYEE INFORMATION REPORT

IMPORTANT-READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING FORM. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND TO SUBMIT THE REQUIRED \$150.00 FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE. DO NOT SUBMIT EEO-1 REPORT FOR SECTION B, ITEM 11. For Instructions on completing the form, go to: http://www.state.nj.us/treasury/contract_compliance/pdf/aa302ins.pdf

SECTION A - COMPANY IDENTIFICATION

1. FID. NO. OR SOCIAL SECURITY	2. TYPE OF BUSINESS <input type="checkbox"/> 1. MFG <input type="checkbox"/> 2. SERVICE <input type="checkbox"/> 3. WHOLESALE <input type="checkbox"/> 4. RETAIL <input type="checkbox"/> 5. OTHER	3. TOTAL NO. EMPLOYEES IN THE ENTIRE COMPANY
4. COMPANY NAME		
5. STREET	CITY	COUNTY STATE ZIP CODE
6. NAME OF PARENT OR AFFILIATED COMPANY (IF NONE, SO INDICATE)		CITY STATE ZIP CODE
7. CHECK ONE: IS THE COMPANY <input type="checkbox"/> SINGLE-ESTABLISHMENT EMPLOYER <input type="checkbox"/> MULTI-ESTABLISHMENT EMPLOYER		
8. IF MULTI-ESTABLISHMENT EMPLOYER, STATE THE NUMBER OF ESTABLISHMENTS IN NJ		
9. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT		
10. PUBLIC AGENCY AWARDED CONTRACT		CITY COUNTY STATE ZIP CODE

Official Use Only	DATE RECEIVED	INAUG. DATE	ASSIGNED CERTIFICATION NUMBER

SECTION B - EMPLOYMENT DATA

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

JOB CATEGORIES	ALL EMPLOYEES			PERMANENT MINORITY/NON-MINORITY					EMPLOYEE BREAKDOWN					
	COL. 1 TOTAL (Cols 2 & 3)	COL. 2 MALE	COL. 3 FEMALE	***** MALE *****					***** FEMALE *****					
				BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON-MIN.	BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON-MIN.	
Officials/ Managers														
Professionals														
Technicians														
Sales Workers														
Office & Clerical														
Craftworkers (Skilled)														
Operatives (Semi-skilled)														
Laborers (Unskilled)														
Service Workers														
TOTAL														
Total employment From previous Report (if any)														
Temporary & Part-Time Employees	The data below shall NOT be included in the figures for the appropriate categories above.													

12. HOW WAS INFORMATION AS TO RACE OR ETHNIC GROUP IN SECTION B OBTAINED? <input type="checkbox"/> 1. Visual Survey <input type="checkbox"/> 2. Employment Record <input type="checkbox"/> 3. Other (Specify)	14. IS THIS THE FIRST Employee Information Report Submitted? 1. YES <input type="checkbox"/> 2. NO <input type="checkbox"/>	15. IF NO, DATE LAST REPORT SUBMITTED MO. DAY YEAR
13. DATES OF PAYROLL PERIOD USED From: To:		

SECTION C - SIGNATURE AND IDENTIFICATION

16. NAME OF PERSON COMPLETING FORM (Print or Type)	SIGNATURE	TITLE	DATE MO DAY YEAR
17. ADDRESS NO. & STREET	CITY	COUNTY	STATE ZIP CODE PHONE (AREA CODE, NO., EXTENSION)

INSTRUCTIONS FOR COMPLETING THE EMPLOYEE INFORMATION REPORT (FORM AA302)

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

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

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

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

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

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

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

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

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

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

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

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

Racial/Ethnic Groups will be defined:

Black: Not of Hispanic origin. Persons having origin in any of the Black racial groups of Africa.

Hispanic: Persons of Mexican, Puerto Rican, Cuban, or Central or South American or other Spanish culture or origin, regardless of race.

American Indian or Alaskan Native: Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander: Persons having origin in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent or the Pacific Islands. This area includes for example, China, Japan, Korea, the Philippines Islands and Samoa.

Non-Minority: Any Persons not identified in any of the aforementioned Racial/Ethnic Groups.

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

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

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

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

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

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

TYPE OR PRINT IN SHARP BALL POINT PEN

THE VENDOR IS TO COMPLETE THE EMPLOYEE INFORMATION REPORT FORM (AA302) AND RETAIN A COPY FOR THE VENDOR'S OWN FILES. THE VENDOR SHOULD ALSO SUBMIT A COPY TO THE PUBLIC AGENCY AWARDED THE CONTRACT IF THIS IS YOUR FIRST REPORT; AND FORWARD ONE COPY **WITH A CHECK IN THE AMOUNT OF \$150.00 PAYABLE TO THE TREASURER, STATE OF NEW JERSEY (FEE IS NON-REFUNDABLE)** TO:

NJ Department of the Treasury
Division of Public Contracts Equal Employment Opportunity Compliance
P.O. Box 206
Trenton, New Jersey 08625-0206 Telephone No. (609) 292-5473

TO All Bidders:

REMINDER!

Did you sign all of the bid documents?

All bid documents returned to the Board shall be signed with original signatures. Please try to use **blue ink**.

The Board will not accept facsimile or rubber stamp signatures.

Failure to sign all bid documents may be cause for disqualification and rejection of the bid.

School Business Administrator
Board Secretary