

## PUBLIC NOTICE

### **Request for Proposals - Bond Counsel Services The West New York Parking Authority**

Pursuant to the Fair and Open Process described under N.J.S.A. 19:44A-1, et seq., the West New York Parking Authority (“WNYPA”) seeks Request for Proposals (“RFP”) from firms that wish to provide Bond Counsel Services, as directed by the Board of Commissioners of The West New York Parking Authority. **All Proposals will be publicly opened on January 29, 2019 at 10:30 A.M. at The West New York Parking Authority Administrative Offices at 224 – 60<sup>th</sup> Street, West New York, NJ 07093 in the Conference Room.**

The West New York Parking Authority intends to award a contract for these services pursuant to N.J.S.A. 40A:11-5. If awarded a contract, your company/firm shall 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. The successful firm will provide the WNYPA with Bond Counsel Services relating to the West New York Parking Authority in order to best serve the residents of the Town of West New York. The successful firm must have significant experience in representing New Jersey municipalities and/or authorities. Each candidate shall submit proof of business registration with the New Jersey Division of Taxation (P.L. 2004, C.57) and must comply with the Affirmative Action requirement contained at N.J.A.C. 17:27 et seq.

Request for Proposals will be received by the Executive Director of the West New York Parking Authority, in the County of Hudson, New Jersey, at the Parking Authority, 224-60th Street, West New York, N.J. 07093 on January 29, 2019 no later than 10:30 a.m., in accordance with the Request for Proposals now on file in the office of the Executive Director, 224-60<sup>th</sup> Street, West New York, N.J. (telephone no. 201-295-1575; aperez@wnypanj.com), where same may be obtained during office hours from 9:00 a.m. to 5:00 p.m. Monday – Friday.

All RFPs shall be submitted in sealed envelopes addressed to the Executive Director of The West New York Parking Authority, the envelope shall have marked conspicuously on its face on the top right-hand side in letters not less than one inch the word “**Request for Proposals**” followed immediately below those words in letters not less than one half inch high: “**Request for Proposals for Bond Counsel Services for the Town of West New York Parking Authority**” and underneath that “**To be received on the 29<sup>th</sup> day of January, 2019 by 10:30 a.m.**” **Proposals will not be accepted by facsimile transmission or e-mail.** Proposals shall be submitted using white 8.5” x 11” paper and shall be in accordance with the specifications contained in the Request for Proposals.

In order for RFPs to be accepted by mail or courier, the RFPs must be placed in an outer envelope, and be clearly marked in the same manner as set forth above, with the same size and information.

Proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. Responders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. (P.L. 1975, c. 127 as amended) and N.J.A.C. 17:27-1.1 et seq. Respondents must submit an original and two (2) copies of their Proposal to:

**West New York Parking Authority**  
**Attn: Amiris Perez, Executive Director or Steven Rodas, Purchasing Agent**  
**224 – 60th Street**  
**West New York, NJ 07093**

The West New York Parking Authority reserves the right to reject any or all Proposals, to waive any informalities or to accept a Proposal which, in its judgment, best serves the interest of The West New York Parking Authority.

# **Request for Proposals from Firms Interested in Serving as “Bond Counsel” for the Town of West New York Parking Authority**

## **GLOSSARY**

The following definitions shall apply to and are used in this Request for Proposals:

- “WNYPA” refers to the West New York Parking Authority, its officers and appointed officials, employees and advisors and consultants.
- “Due Date” refers to the date and time by which Proposals must be received by WNYPA in order to be considered for award of the contract or position. See Section 1.2.
- “Proposal” refers to a Respondent’s complete response to this RFP.
- “Qualified Respondent” refers to those Respondents who (in the sole judgment of WNYPA) have satisfied the Proposal criteria set forth in this RFP.
- “RFP” refers to this Request for Proposals, including any amendments thereof or supplements thereto.
- “Respondent” or “Respondents” refers to the interested individuals and firms that submit Proposals.
- “Services” refers to the Bond Counsel services WNYPA seeks through this RFP process.
- “Successful Respondent” refers to the Respondent selected by WNYPA to perform the Services.

**West New York Parking Authority Request for Proposals From Law Firms Interested in Serving as "Bond Counsel" for the West New York Parking Authority for the period of one (1) year with an option for two (2) additional one (1) year extensions not to exceed three (3) years.**

## **INTRODUCTION AND GENERAL INFORMATION**

### **Introduction and Purpose**

WNYPA is soliciting Proposals from interested persons and/or firms for the provision of Bond Counsel Services, as more particularly described herein. Bond Counsel performs and provides legal advice with regard to the following activities: the preparation of Bond Ordinances and the review of the adoption proceedings; the preparation and review of public finance resolutions, the preparation and issuance of Bond Anticipation, Special Emergency, and Tax Anticipation and Tax Anticipation Notes; and the preparation of issuance of General Obligation Bonds. In addition, Bond Counsel is responsible for the preparation and/or review of any Preliminary Official Statement and Official Statement of the West New York Parking Authority. Bond Counsel is also responsible for the preparation and/or review of any application to the Local Finance Board, and attendance at any related meetings of the Board.

Through a public process described herein, persons and/or firms interested in applying to the WNYPA for the provision of such Services must prepare and submit a Proposal in accordance with the procedure and schedule in this RFP. WNYPA will review only Proposals that include all the required information as described herein as it intends to award a contract to persons and/or firms that (a) possess the professional capabilities to provide the proposed Services; (b) will agree to work under the compensation terms and conditions set forth; and (c) have demonstrated the capability and willingness to provide high quality services to the WNYPA.

### **Procurement Process**

This RFP process is being undertaken pursuant to the Fair and Open Process described in and in accordance with the “New Jersey Local Unit Pay to Play” Law, N.J.S.A. 19:44A-20.5 et seq. The selection of the Successful Respondent after the completion of the RFP process to perform the Services is subject to said provisions.

WNYPA has structured a competitive procurement process to ensure that anyone interested in providing the Services sought has an opportunity to submit a Proposal in response to this RFP and each person and/or firm is provided an equal opportunity to submit a Proposal in response to the RFP.

Proposals in response to this RFP will be evaluated in accordance with the criteria set forth in this RFP information packet. Based upon the totality of the information contained in the Proposal, and from the Respondents’ references, WNYPA will determine those Respondents who are qualified to provide the Services. Each Respondent that meets the requirements of the RFP (in the sole judgment of WNYPA) will be designated as a Qualified Respondent, and considered for selection by the Authority.

The RFP process commences with the issuance of this RFP. The deadline involved in the process and the anticipated completion dates are posted on the West New York Parking Authority website at [www.wnypanj.com](http://www.wnypanj.com). WNYPA reserves the rights to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents who have provided contact information to the Purchasing Agent upon receipt of this RFP.

**Request for Proposals must be received by the Executive Director of the West New York Parking Authority, Amiris Perez, at the Administrative Offices of the West New York Parking Authority, 224-60th Street, West New York, N.J. 07093 on January 29, 2019 no later than 10:30 a.m., in accordance with the Request for Proposals now on file in the office of the Executive Director, 224-60th Street, West New York, N.J. (telephone no. 201-295-1575; [aperez@wnypanj.com](mailto:aperez@wnypanj.com)), where same may be obtained during office hours from 9:00 a.m. to 5:00 p.m. Monday – Friday.**

All communications concerning this RFP or the procurement and contract award process shall be directed, in writing, to WNYPA's Designated Contact Person, Executive Director Amiris Perez West New York Parking Authority, 224 60<sup>th</sup> Street, West New York, New Jersey 07093 or via e-mail at [aperez@wnypanj.com](mailto:aperez@wnypanj.com).

The successful firm must have significant experience in representing New Jersey municipalities and/or Authorities as Bond Counsel and be licensed to practice law in the State of New Jersey. All candidates are required to comply with N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. as amended. (Affirmative Action). The successful firm will provide the West New York Parking Authority with legal guidance relating to, but not necessarily limited to:

- 1.) The WNYPA is seeking counsel that can provide the WNYPA with knowledge and understanding of Authority finance law as provided for in New Jersey statutes, administrative regulations and case law;
- 2.) Provide general legal research and/or advisory opinions as needed;
- 3.) Provide Representation of the Authority in matters relating to issuance of public debt instruments including bond and bond anticipation notes of the Authority;
- 4.) Research, draft, review and approve all bond documents including ordinances, resolutions, contracts and other instruments;
- 5.) Provide legal services and representation of the Authority in matters relating to issuance of public debt instruments including bond and bond anticipation notes of the Authority;
- 6.) Bond Counsel will work closely with Authority's Executive Director, Finance Department and Law Department;
- 7.) Provide municipal bond and finance law advice to the Authority as needed or requested;
- 8.) Attend meetings of the Board of Commissioners or with individual commissioners upon request;
- 9.) The candidate shall demonstrate that they have the continuing capacity to perform these services; and any other matters as directed by the West New York Parking Authority as needed.

Each candidate shall submit proof of business registration with the New Jersey Division of Taxation (P.L. 2004, C.57) and must comply with the Affirmative Action requirement contained at N.J.A.C. 17:27 *et seq.*

### **Conditions Applicable to RFP**

Copies of this standardized submission requirements and selection criteria are on file and available from the Office of the West New York Parking Authority Executive Director. Upon submitting a Proposal in response to this RFP, the Respondent acknowledges and consents to the following conditions:

- All costs incurred by the Respondent in connection with responding to this RFP shall be borne solely by the Respondent. There shall be no claims whatsoever against the WNYPA, its staff or consultants for reimbursement or payment of costs or expenses incurred in the preparation of the Proposal or other information required by the RFP.
- WNYPA reserves the right to reject for any reason any and all Proposals and components thereof.
- WNYPA reserves the right to reject any Respondent that submits a Proposal that is incomplete or not responsive to the requirements of this RFP.
- WNYPA reserves the right, without prior notice, to supplement, amend, or modify this RFP, or to request additional information.
- All Proposals shall become the property of WNYPA and will not be returned.

- All Proposals will be made available to the public at the appropriate time, as determined by WNYPA in accordance with law.
- Any Proposals not received by WNYPA timely will be rejected.
- WNYPA shall not be liable for any claims or damages alleged to have been incurred as a result of this RFP process, including WNYPA's review of Proposals and its award of a contract.
- It is the responsibility of Respondents to ensure that they receive a copy of the RFP after formally requesting a copy.

### **Rights of WNYPA**

WNYPA reserves the following rights with regard to this RFP and the procurement process in accordance with the provisions of applicable law:

- To determine that any Proposal received complies or fails to comply with the terms of this RFP.
- To supplement, amend or otherwise modify the RFP through issuance of addenda to all prospective Respondents who have received a copy of this RFP.
- To waive any technical non-conformance with the terms of this RFP.
- To change or alter the schedule for any events called for in this RFP upon the issuance of notice to all prospective Respondents who have received a copy of this RFP.
- To conduct investigations of any or all of the Respondents, as it deems necessary or convenient, to clarify the information provided as part of a Proposal, and to request additional information to support the information included in any Proposal.
- To suspend or terminate the procurement process described in this RFP at any time, commence a new procurement process, or exercise any other rights provided under applicable law without any obligation to the Respondents.

WNYPA shall be under no obligation to complete all or any portion of the procurement process described in this RFP.

### **Addenda or Amendments to RFP**

After the issuance of the RFP, but no later than five (5) business days prior to the Due Date, WNYPA may issue addenda, amendments or answers to written inquiries. Addenda will be posted on WNYPA's website, [www.WNYPANJ.com](http://www.WNYPANJ.com). Addenda will constitute a part of the RFP. All responses to the RFP shall be prepared with full consideration of any addenda issued.

### **Proposal Format**

Responses should cover all information requested in this RFP. Responses that do not meet the requirements of the RFP or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

### **Selection Criteria**

The selection criteria used in awarding a contract or agreement for Bond Counsel Services as described herein shall include:

1. Qualifications of the individuals who will perform the tasks and the amounts of their respective participation;
2. Experience and references;
3. Ability to perform the task in a timely fashion, including staffing and familiarity with the subject matter;
4. Cost competitiveness; and
5. Due consideration will be given to familiarity with the Town of West New York Parking Authority and the Town of West New York.

### **SUBMISSION REQUIREMENTS**

**Respondents must submit an original and two (2) copies of their Proposal using white 8 1/2" x 11" paper to:**

**West New York Parking Authority  
Attn: Amiris Perez, Executive Director or Steven Rodas, Purchasing Agent  
224 – 60th Street  
West New York, NJ 07093**

**Sealed Proposals will be publicly opened by the West New York Parking Authority in the offices at the West New York Parking Authority, 224 60<sup>th</sup> Street, West New York, NJ at 10:30 a.m. on January 29, 2019. Proposals must be received no later than 10:30 a.m. on January 29, 2019. Proposals received after that date and time will be returned unopened.**

### **Submission of Proposals**

Proposals must provide all requested information, and must be in strict conformance with the instructions set forth herein:

1. Respondents must submit an original and two copies of their Proposals using white 8 1/2" x 11".
2. Proposals must be received no later than the Due Date, and must be mailed or hand-delivered. Proposals forwarded by facsimile or email **will not** be considered. Proposals received after the designated time on the Due Date will be returned, unopened, to the sender. **The Respondent is solely responsible for delays in delivery.**
3. Proposals and all Forms and other related information must be stapled or bound, and signed by the Respondent. If Respondent is other than a natural person, the Proposal must be signed by an individual with power to bind the Respondent.
4. The name of the Respondent and the position or contract for which the submission is being made must be printed on the outside of the package containing Respondent's submission. The West New York Parking Authority will, in its sole discretion, determine whether to qualify more than one Respondent for the Services.
5. Respondents are reminded to see attached Checklist for the documents that must be submitted with the Proposal and those that the Successful Respondent must present to WNYPA prior to the award of a contract for performance of the Services.

Respondent's Proposal must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information described below, Respondents are invited to submit supplemental information that may be useful to WNYPA in evaluating the Proposal. Respondents are encouraged to be clear, factual, and concise in their presentation of information. Copies of this standardized submission requirements and selection criteria are on file and available from the Office of the Executive Director.

### **Professional Information and Qualifications Requirements**

Respondents should have at least 5 years of experience with New Jersey /Parking Authority/Municipal Bond and Finance Law. Respondents should also demonstrate experience representing New Jersey local government entities in connection with public financing in general and bond ordinances in connection with public projects. The Respondent shall, as part of its Proposal, provide the following documentation and information:

- Name of Firm;
- Address of principal place of business and all of the firm's offices and corresponding telephone and fax numbers. Please note specifically which persons will be assigned to work with the West New York Parking Authority;
- Areas of Practice;
- An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Proposal;
- An executed Letter of Intent (Exhibit A) and completed Exhibits C, D, E, G, H, and I. Respondents' attention is called to the Checklist and the additional information that will be required prior to executing a contract with WNYPA;
- Name, address and telephone number of the individual or firm submitting the Proposal and the name of the key contact person;
- Resumes of key employees who will be assigned to provide Bond Counsel;

- The number of years in practice, and number of years working on New Jersey municipal bond and finance law;
- Any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If any, please provide the docket numbers;
- Whether Respondent or its firm is now or has been involved in any bankruptcy or re-organization proceedings in the last ten years. If so, please provide the docket numbers;
- A statement that principals have no immediate relatives who are WNYPA employees or elected officials in the Town of West New York;
- A description of its overall scope of work experience in providing the same or similar services, including areas of firms expertise with public entities;
- At least three (3) references, two (2) of which must have knowledge of firm's prior service with a public entity as Bond Counsel, including contact information;
- A description of firm's account designee's education, experience, qualifications, number of years with the firm and a description of their experience with projects similar to those described above;
- Examples of firm's record of success providing Bond Counsel services for public entities in an urban environment;
- The firm's ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff);
- Cost details, including the hourly rates of each of the individuals who will perform the services and the time estimates for each individual, all expenses, and where appropriate, total cost of "not to exceed" amount taking into account that the **West New York Parking Authority will not pay more than \$175.00 per hour.**
- Describe those portions of the Respondent's services, if any, which are sub-contracted. Identify all subcontractors the Respondent anticipates using in connection with the Services.
- Statement of corporate ownership (c.52:25-24.2).

#### **Disclosure of Contribution to New Jersey Election Law Enforcement of Commission**

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

#### **EVALUATION**

WNYPA's objective in soliciting Proposals is to enable it to select a firm, individual, or organization that will provide high quality and cost effective Services to help communicate properly with the residents of the Town of West New York, its business community and visitors. WNYPA will consider Proposals only from firms, individuals, or organizations that, in WNYPA's sole judgment, have demonstrated the capability and willingness to provide high quality Services in the manner described in this RFP. WNYPA will consider all relevant factors, including, but not limited to:

- Experience similar to the Services requested in this RFP, including adherence to deadlines, efficiencies, and economies utilized to reduce time and cost of an assignment.
- Staffing; professionals and support staff available to assist WNYPA.
- Familiarity with the WNYPA and/or similar public entities.
- Respondent's apparent understanding of the scope of Services requested.
- Completeness of the Proposal.
- Other factors determined to be in the best interests of the WNYPA.

**CHECKLIST FOR ITEMS TO BE SUBMITTED WITH PROPOSAL**

	APPENDIX	CHECK IF PROVIDED
A	Letter of Intent	
B	Letter of Qualification	
C	Mandatory Equal Employment Opportunity Language	
D	Ownership Disclosure Statement	
E	American’s With Disability Act of 1990	
F	Affirmative Action Compliance Notice	
G	Minority/Women Business Enterprise	
H	Non-Collusion Affidavit	
I	Business Entity Disclosure Certification	
G	Disclosure Statement	
K	Disclosure of Investment Activities in Iran	

**OTHER DOCUMENTS REQUIRED**

Check If Provided

1	Business Registration Certificate from the State of New Jersey Department of Treasury, Division of Revenue ( <u>N.J.S.A. 52:32-44</u> ) and W9 Form	
2	Certificate of Insurance Evidencing Comprehensive Liability, Property/Casualty (\$2 million aggregate/\$1million per occurrence) (or less if Umbrella coverage is present); Workers Compensation (statutory limits); and Professional Malpractice (if applicable) (\$2 million aggregate/\$1 million per occurrence) naming WNYPA as an additional insured.	
3	Letter of Federal Affirmative Action Plan Approval <u>OR</u> Certificate of Employee Information Report <u>OR</u> Employee Information Report Form AA302 (available at <a href="http://www.stte.nj.us/treasure/contract_compliance">www.stte.nj.us/treasure/contract_compliance</a> )	

**Signature: The undersigned Respondent hereby acknowledges that he/she has submitted the required documents with the Proposal, and will submit the remaining required documents prior to execution of a contract with the WNYPA, if the same are not also submitted with the Statement.**

Name of Respondent/ Firm: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

Signature: \_\_\_\_\_

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

**APPENDIX A**

**LETTER OF INTENT**

**(To be submitted on Respondent's letterhead. No revisions may be made to this form)**

Date

Amiris Perez  
Executive Director  
West New York Parking Authority  
224 60<sup>th</sup> Street  
West New York, New Jersey 07093

Dear Executive Director Perez:

The undersigned, as Respondent, has submitted the attached Proposal in response to a Request for Proposals (“RFP”), issued by the West New York Parking Authority (“WNYPA”) on January 9, 2019, in connection with WNYPA’s need for **BOND COUNSEL SERVICES** (“Services”). The undersigned hereby states:

1. The Proposal contains accurate, factual and complete information to the best of our knowledge and belief.
2. The Proposal is submitted in good faith. I/we understand that any false statement may result in my/our disqualification.
3. Respondent agrees to participate in good faith in the procurement process described in the RFP and to adhere to the WNYPA’s procurement schedule.
4. Respondent acknowledges that all costs incurred by it (them) in connection with the preparation and submission of the Proposal, amendments thereto, and any other documents prepared and submitted in response to the RFP, or any negotiation that results therefrom shall be borne exclusively by the Respondent.
5. All statements contained in the Submission and in this affidavit are accurate, factual and complete, and made with full knowledge that the West New York Parking Authority is relying upon the truth of the statements contained in the Submission and the statements contained in this affidavit in evaluating Respondent’s Qualifications; and
6. Respondent hereby declares that the only persons anticipated by Respondent to perform the Services for which this Proposal is submitted are named herein and that no person other than those herein named participated in the preparation of this Proposal or will participate in any contract to be entered into between Respondent and WNYPA.
7. Respondent acknowledges and agrees that WNYPA may modify, amend, suspend and/or terminate the procurement process (in its sole judgment).
8. Respondent acknowledges that if it becomes the Successful Respondent and is awarded a contract to provide the Services, it shall comply with all applicable affirmative action and equal employment opportunity laws, and agrees to take such actions as may be required to comply with such applicable laws in the event that a contract is formed.

Signed: \_\_\_\_\_

Printed: \_\_\_\_\_

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

\*If a joint venture, partnership or organization other than a natural person is submitting a Proposal, this Letter of Qualification must be signed by an individual with the authority to bind the organization.



**APPENDIX B**  
**LETTER OF QUALIFICATION**

**(To be submitted on Respondent's letterhead. No revisions may be made to this form)**

Date

Amiris Perez  
Executive Director  
West New York Parking Authority  
224 60<sup>th</sup> Street  
West New York, New Jersey 07093

Dear Executive Director Perez:

The undersigned have reviewed our Qualification Statement-Proposal submitted in response to the Request for Proposals (RFP) issued by the West New York Parking Authority, dated January 9, 2019 in connection with the Authority's need for BOND COUNSEL SERVICES.

We affirm that the contents of our Qualification Statement-Proposal (which Qualification Statement-Proposal is incorporated herein by reference) are accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement-Proposal is submitted in good faith upon express understanding that any false statement may result in the disqualification of *(Insert Name of Respondent)*.

\_\_\_\_\_  
**Chief Executive Officer**

**Dated:** \_\_\_\_\_

**Respondent shall sign and complete the spaces as provided above. If a joint venture, partnership or other formal organization is submitting a Qualification Statement-Proposal, each participant must execute this Letter of Qualification.**

## APPENDIX C

### MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE PER

#### N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq.

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

Throughout the performance of the Services required pursuant to this RFP, Respondent agrees as follows:

- a) Respondent, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status or sex. Respondent will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to the age, race, creed, color, national origin, ancestry, marital status or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Respondent 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 non-discrimination clause;
- b) Respondent, where applicable, will in all solicitations or advertisements for employees placed by or on behalf of the Architect, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status or sex;
- c) Respondent, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers; representative of Respondent's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment;
- d) Respondent, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time;
- e) Respondent agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed in N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time;
- f) Respondent agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices;
- g) Respondent 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;
- h) Respondent agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status or sex, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions; and
- i) Respondent and any subcontractors shall furnish such reports or other documents to the Affirmative Action Office 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 Affirmative Action Office for conducting a compliance investigation.

**APPENDIX D**

**OWNERSHIP DISCLOSURE STATEMENT**

In conformance with N.J.S.A. 52:25-24.2

Name of Business: \_\_\_\_\_

Principal Place of Business: \_\_\_\_\_

**PARTNERSHIP**

**CORPORATION**

**SOLE PROPRIETORSHIP**

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned. If one or more of the below is itself a corporation or partnership, I have annexed the names and addresses of anyone owning a 10% or greater interest therein.

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

***PLEASE CHECK APPROPRIATE BOXES ABOVE AND SIGN BELOW.***

**STOCKHOLDERS NAME**

**STREET ADDRESS**

**% OF STOCK OR PARTNERSHIP**

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I further certify that no officer or employee of the WNYPA has any interest, direct or indirect, in this corporation or partnership or in the contract for the Services. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Print or Type Name and Title**

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_

(Seal) Notary Public of New Jersey

My Commission Expires \_\_\_\_\_

**E. AFFIRMATIVE ACTION COMPLIANCE NOTICE**

**N.J.S.A. 10:5-31 and N.J.A.C. 17:27**

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

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

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

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

.OR

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

.OR

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

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours. The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

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

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

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

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

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

**F. MINORITY/WOMAN BUSINESS ENTERPRISE (MWBE)**  
**Questionnaire for Bidders**

The town of West New York, in accordance with the stated policy of non-discrimination and equal employment opportunity in the Municipal Code, recognizes a goal of awarding 20% of the dollar amount of total city procurement to minority and woman owned business enterprises. To assist us in monitoring our achievement of this goal, please indicate below whether your company is or is not a minority owned and/or woman owned business, and return this form with your bid proposal.

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

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

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

Please check applicable category :

Minority Owned     Minority & Woman Owned  
 Woman Owned     Neither

**Definition of Minority Business Enterprise**

Minority Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by persons who are African American, Hispanic, Asian American, American Indian or Alaskan native, defined as follows:

**African American:** a person having origins in any of the black racial groups of Africa

**Hispanic:** a person of Mexican, Puerto Rican, Central or South American or other non-European Spanish culture or origin regardless of race.

**Asian:** a person having origins in any of the original peoples of the Far East, South East Asia, Indian subcontinent, Hawaii or the Pacific Islands.

**American Indian or Alaskan Native:** a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

**Woman Business Enterprise:** a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by a woman or women.

**APPENDIX G**

**AMERICANS WITH DISABILITIES ACT OF 1990  
EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DIABILITY**

The RESPONDENT and the WEST NEW YORK PARKING AUTHORITY (“WNYPA”) do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (“Act”) (42 U.S.C. S12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulation promulgated pursuant thereunto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the WNYPA pursuant to this contract, the RESPONDENT agrees that the performance shall be in strict compliance with the Act. In the event the RESPONDENT, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the RESPONDENT shall defend the WNYPA in any action or administrative proceeding commenced pursuant to this Act. The RESPONDENT shall indemnify, protect, and save harmless the WNYPA, 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 the alleged violation. The RESPONDENT 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 WNYPA’s grievance procedure, the RESPONDENT agrees to abide by any decision of the WNYPA, which is rendered pursuant to, said grievance procedure. If any action or administrative proceeding results in an award of damages against the WNYPA or if the WNYPA incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure the RESPONDENT shall satisfy and discharge the same at its own expense.

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

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

It is further agreed and understood that the WNYPA assumes no obligation to indemnify or save harmless the RESPONDENT, its agents, servants, employees and subcontractors for any claim that may arise out of their performance of the Services. Furthermore, the RESPONDENT expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the RESPONDENT’s obligations in providing the Services, nor shall they be construed to relieve the RESPONDENT from any liability, nor preclude the WNYPA from taking any actions available at law.

Representative’s Name/ Title (print): \_\_\_\_\_

Representative Signature: \_\_\_\_\_

Name of Company: \_\_\_\_\_

Tel No: \_\_\_\_\_

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

**APPENDIX H**

**NON-COLLUSION AFFIDAVIT**

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 \_\_\_\_\_, the Respondent herein, and I executed the Proposal with full authority to do so; that the Respondent has not directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive proposing in connection with the Proposal, and that all statements contained in the Proposal and in this affidavit are true and correct, and made with full knowledge that the West New York Parking Authority relies upon the truth of the statements contained in the Proposal and the statement in this affidavit in awarding the contract.

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

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Print or Type Name and Title**

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
(Seal) Notary Public of New Jersey

My Commission Expires \_\_\_\_\_

**APPENDIX I**

**BUSINESS ENTITY DISCLOSURE CERTIFICATION**

FOR NON-FAIR AND OPEN CONTRACTS

Required Pursuant To N.J.S.A. 19:44A-20.8

**<NAME OF CONTRACTING AGENCY>**

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that <name of entity> has not made and will not make any contributions in violation of NJ State **Pay-to-Play Regulations**, and has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

**Part II – Ownership Disclosure Certification**

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

**Check the box that represents the type of business entity:**

- Partnership                       Corporation     Sole Proprietorship                       Subchapter S Corporation  
 Limited Partnership                       Limited Liability Corporation                       Limited Liability Partnership

Name of Stock or Shareholder	Home Address

**Part 3 – Signature and Attestation:**

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

**Name of Respondent/ Firm:** \_\_\_\_\_

**Print Name and Title of Affiant:** \_\_\_\_\_

**Signature of Affiant:** \_\_\_\_\_

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

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
(Seal) Notary Public of New Jersey

My Commission Expires \_\_\_\_\_



**BUSINESS ENTITY DISCLOSURE CERTIFICATION**  
FOR NON-FAIR AND OPEN CONTRACTS  
Required Pursuant To N.J.S.A. 19:44A-20.8  
<NAME OF CONTRACTING AGENCY>

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

**"Local Unit Pay-To-Play Law" (P.L. 2004, c.19, as amended by P.L. 2005, c.51) 19:44A-20.6 Certain contributions deemed as contributions by business entity.**

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.

**19:44A-20.7 Definitions relative to certain campaign contributions.**

As used in sections 2 through 12 of this act:

"business entity" means any 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;

**Temporary and Executing**

Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~

**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq. 19:44A-3 Definitions.**

In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

"The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

**Exhibit J**

**DISCLOSURE STATEMENT**

(To be submitted with Proposal)

In the past five (5) years, is or was anyone in your firm or company a County officer or employee or an officer or employee of an independent county authority, commission or agency? If yes, then provide the name of the individual and position held.

**Yes** \_\_\_\_                      **No** \_\_\_\_

Name \_\_\_\_\_                      Position \_\_\_\_\_                      Term \_\_\_\_\_

Has any individual who would provide service under this contract ever been sanctioned by the appropriate licensing board?

**Yes** \_\_\_\_                      **No** \_\_\_\_

Name \_\_\_\_\_                      Position \_\_\_\_\_                      Term \_\_\_\_\_

***Reason for censure:***

Has any individual who would provide services under this contract or has the firm been sued in malpractice during the last five years?

**Yes** \_\_\_\_                      **No** \_\_\_\_

Name \_\_\_\_\_                      Position \_\_\_\_\_                      Term \_\_\_\_\_

***Reason for Action:***

***Outcome:***

Has any member of your firm ever been barred from doing business with any state, county or municipal government? If yes, then please provide further written explanation including the date and copies of relevant documentation.

**Yes** \_\_\_\_                      **No** \_\_\_\_

Name

State, County or Municipality Government

Term

Has any member of your firm sued or represented a party in any matter against the West New York Parking Authority or the Town of West New York in the past five (5) years? If yes, then please identify the matter/case and provide further written explanation including the date and copies of relevant documentation.

**Yes** \_\_\_\_                      **No** \_\_\_\_

Name \_\_\_\_\_                      Position \_\_\_\_\_                      Term \_\_\_\_\_

List all immediate relatives of principals and/or employees of Respondent who are employees of the West New York Parking Authority or elected officials of the Town of West New York. For purposes of the above "immediate relative" means a spouse, parent, step-parent, brother, sister, child stepchild, direct-line aunt or uncle, grandparent, grandchild and in-laws.

**Exhibit K**

**DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

**Respondent:** \_\_\_\_\_

**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 bid non-responsive.** If the West New York Parking Authority finds a person or entity to be in violation of law, the West New York Parking Authority shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

**PLEASE CHECK THE APPROPRIATE BOX:**

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

**OR**

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

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

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

**EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS, PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, PLEASE PROVIDE ON A SEPARATE ATTACHED PAGE.**

Name \_\_\_\_\_ Relationship to Respondent \_\_\_\_\_

Description of Activities \_\_\_\_\_

Duration of Engagement \_\_\_\_\_ Anticipated Cessation Date \_\_\_\_\_

Respondent Contact Name \_\_\_\_\_ Contact Phone Number \_\_\_\_\_

**ADD ANY ADDITIONAL ACTIVITIES ENTRIES ON SEPARATE PAGE**

**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 West New York Parking Authority is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the West New York Parking Authority 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 West New York Parking Authority at its option may declare any contract(s) resulting from this certification void and unenforceable.

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

**Signature:** \_\_\_\_\_

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

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