

**PUBLIC NOTICE**  
**Request for Proposals for “CREDIT CARD PROCESSING SERVICES”**  
**for the Town of West New York Parking Authority**

**RFP FOR CREDIT / DEBIT CARD PROCESSING SERVICES**

The West New York Parking Authority (WNYPA) is requesting quotes from vendors for the purpose of processing credit / debit card transactions for multiple systems, including parking meters, parking pay stations, parking garages, website payments (Future), and manual payment units. The contract shall be for a period of 1 year. The term of the contract may be extended for two (2) additional one (1) year periods at the sole option of WNYPA.

**PRE-PROPOSAL CONFERENCE**

No pre-proposal conference will be held. To facilitate the clarification of requirements, proposers are requested to submit, in writing via email, any questions they may have by 10:00 A.M. on 01/15/2019. Any interpretation made to prospective proposers, will be conveyed in writing or email to all prospective proposers no later than 3:00 P.M. on 01/18/2019.

- Questions should be submitted via email to Executive Director Amiris Perez at [aperez@wnypanj.com](mailto:aperez@wnypanj.com) and Purchasing Agent Steven Rodas at [srodas@wnypanj.com](mailto:srodas@wnypanj.com).

**PROPOSAL DUE DATE AND FORMAT**

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. on January 29, 2019 no later than 10:00 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 8:00 a.m. to 5:00 p.m.

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 Credit Card Processing Services for the West New York Parking Authority”** and underneath that **“To be received on the 29th day of January, 2019 by 10:00 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.

## PROPOSAL ACCEPTANCE

WNYPA reserves the right to accept or reject any and all proposals, in whole or in part, received as a result of this solicitation and to waive any minor irregularities. Further, WNYPA reserves the right to make a whole award, partial award, or no award at all.

## NOTICE TO PROSPECTIVE PROPOSERS

Before submitting a proposal, prospective proposers shall become fully informed as to the extent and character of the work required and are expected to be completely familiar with the requirements of the solicitation and scope of work. Failure to do so will not relieve the prospective proposer of responsibility to fully perform in accordance herewith. No consideration will be granted for any alleged misunderstanding of the work to be done. It is understood that submission of a proposal is a Contract with all of the items and conditions referred herein.

Any changes to this solicitation will be emailed to all prospective proposers and posted to our website at <https://wnyparkingauthority.org>.

## GENERAL INFORMATION

WNYPA is soliciting Proposals from interested persons and/or firms for the provision of Customer Communication Services, as more particularly described herein. 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.

WNYPA accepts Visa, MasterCard, Discover and American Express. There is currently one individual merchant account that settles all transactions. This one account is used for each function/vendor system. **Proposals must include processing for all of the systems.**

The parking meters, pay stations, pay by cell and garage equipment each have their transactions submitted for processing directly from their own back office systems. The table directly below provides specific parking hardware (PARC's Equipment) information for each location. Our in-office terminal is processed directly by our current MSP over an IP line.

Location	PARC's Equipment
Smart Meters	IPS Group
Pay Stations	T2 / Digital Luke
In Office	VeriFone terminal

Following is a table of annual activity for each merchant account, showing the aggregate number of credit / debit card transactions and the aggregate dollar volume of such transactions at each location.

The quantities of transactions set forth below are for information purposes only and do not reflect the actual amount of transactions awarded party will process as awardee of the contract. Rather, the quantities represent WNYPA's best estimate of its requirements. Actual quantities may be more or less.

Location	Annual Transactions	Annual Volume
Smart Meters	16,277	\$ 24,410.95
Pay Stations	107,739	\$ 275,298.25
In Office	30,822	\$ 763,853.83
<b>Totals</b>	<b>154,838</b>	<b>\$ 1,063,563.03</b>

## **EXECUTIVE SUMMARY**

- Each vendor shall submit an Executive Summary that explains the vendors understanding of WNYPA's intent, any challenges that WNYPA faces related to credit / debit card acceptance and how the vendor will achieve these objectives.
- The Executive Summary should provide a detailed implementation plan for program start-up with dates and major milestones, deployment process, and a performance plan.
- This section should highlight aspects of your RFP response that makes it superior or unique in addressing the specific needs of WNYPA compared to other prospective proposers.

## **NETWORK, SETTLEMENT, REPORTING:**

- What is your daily cutoff for settlement timing?
- For each day of sales, provide the timing of the deposit of funds to our bank.
- How / when settlement amounts are communicated to us?
- Describe your chargeback processing and notification procedures.
- Is information accessible online daily for batch detail, chargebacks, monthly statements?
- Provide samples of standard reports.
- Are you vendor-qualified for the software systems we use?
- Would we need to change or purchase any new hardware/software to process with you? Can we reprogram our existing office terminal (Verifone VX520)?
- If we cannot reprogram existing office terminal what lease or buy programs do you offer?

## **CONVERSION**

- Describe your implementation process for conversion.
- Is your system compatible with our current parking hardware / software vendors?
- Will conversion assistance / training be available and what is the cost?
- Is your organization familiar with the various parking hardware / software vendors currently providing services to WNYPA? Do you have past experience working with them and in what capacity?
- Will your company work directly with our parking hardware / software vendors as part of the conversion / implementation process?

## **SERVICE QUALITY**

- Describe your customer service support.
  - Is customer service provided in-house or by a 3rd party?
  - Where is customer support located during normal business hours EST? (ie: in the US or outside the US)
  - Will your customer support staff be knowledgeable in parking hardware / software?
- What are the telephone hours of support?
- What is the expected response time for any customer service inquiries?
- What is the process for adding/closing merchant accounts?
- What contingency plans exist if systems are down during card authorization?

## **SECURITY & COMPLIANCE**

- Describe your cardholder security during and after transaction processing.
- Are you and any 3rd party processors in compliance with all PCI DSS standards?
- What other security measures would we need to process with you?
- How would you support our PCI compliance efforts?

## **DISASTER RECOVERY**

- Describe your backup systems, including dependencies on telecom and other utilities.
- Describe your "hot-site" backup capabilities in the event of a complete site failure.

- What is the expected timing for becoming operational if a catastrophe were to occur?
- Describe your procedures for communicating alternative processing procedures to clients.

### **PARKING INDUSTRY EXPERIENCE**

Please describe your commitment to the parking industry, how your organization stays current on parking related matters and how WNYPA will benefit from the ongoing relationship with your company.

Please provide references - in our industry, with similar CC transaction / ticket size and processing methods as WNYPA.

### **PRICING / FEES**

Provide Pricing Detail for the Following:

PROCESSING FEES – ONLY Interchange PLUS Pricing will be accepted

Interchange + 0.xx% + \$0.yy per transaction (for Visa / MasterCard / Discover)

xx = \_\_\_\_\_

yy = \_\_\_\_\_

PROVIDE ANY EXCEPTIONS TO PUBLISHED INTERCHANGE RATES AND QUANTIFY ANY POTENTIAL SAVINGS FOR WNYPA.

Please fill in each of the following:

- Start-up Fees
  - Application Fee \$\_\_\_\_\_per merchant account
  - Reprogramming Fee \$\_\_\_\_\_per terminal
  - Debit Set-up Fee \$\_\_\_\_\_per merchant account
  - Misc. Start-up Fee \$\_\_\_\_\_
- Monthly Fees
  - Monthly Service \$\_\_\_\_\_
  - ACH Reject Fee \$\_\_\_\_\_per occurrence
  - Minimum Monthly Processing Fee \$\_\_\_\_\_per month
  - Regulatory Product \$\_\_\_\_\_per month
  - Monthly Statement \$\_\_\_\_\_per month
  - MC Merchant Monthly \$\_\_\_\_\_per month
  - Misc. Monthly Fees \$\_\_\_\_\_per month
- Annual Fees
  - Annual PCI Compliance / Scan \$\_\_\_\_\_annually
- Ongoing Consulting Fee - \$\_\_\_\_\_per hour
- Early Termination Fee \$\_\_\_\_\_per merchant account
- Chargeback Fee \$\_\_\_\_\_per chargeback
- Retrieval Fee \$\_\_\_\_\_ per retrieval
- MC Acquirer CNP AVS Fee \$\_\_\_\_\_
- MC Cross Border Fee USD \_\_\_\_\_%
- US Cross Border Fee, Non USD \_\_\_\_\_%
- MC NABU Fee \$\_\_\_\_\_
- MC Access Fee \$\_\_\_\_\_
- MC Processing Integrity Fee \$\_\_\_\_\_
- MC Kilobyte Trans Fee \$\_\_\_\_\_

- MC License Per Item Fee \$ \_\_\_\_\_
- MC License Volume Fee \_\_\_\_\_%
- MC CVC2 Fee \$ \_\_\_\_\_
- MC Digital Enablement Fee \_\_\_\_\_%
  
- Visa Access Fee \$ \_\_\_\_\_
- Visa Int'l Service Fee BASE \_\_\_\_\_%
- Visa Int'l Service Fee ENH \_\_\_\_\_%
- Visa Int'l Acquirer Fee \_\_\_\_\_%
- Visa Zero Amt. + AVS Fee \$ \_\_\_\_\_
- Visa Zero Amount Fee \$ \_\_\_\_\_
- Visa Zero Floor Limit Fee \$ \_\_\_\_\_
- Visa Misuse of Auth Fee \$ \_\_\_\_\_
- Visa Auth Processing Fee \$ \_\_\_\_\_
- Visa Auth Processing Fee (Debit) \$ \_\_\_\_\_
  
- Discover Auth Network Fee \$ \_\_\_\_\_
- Discover Int'l Processing Fee \_\_\_\_\_%
- Discover Int'l Service Fee \_\_\_\_\_%
- Discover Data Usage Fee \$ \_\_\_\_\_
  
- Amex Program Cost Fee \_\_\_\_\_%
- Amex Authorization Fee \$ \_\_\_\_\_
- Amex Interchange for Parking SIC Code
  - Swipe US \_\_\_\_\_%
  - MOTO US \_\_\_\_\_%
  - Swipe Non US \_\_\_\_\_%
  - MOTO Non US \_\_\_\_\_%
  - Amex per item \$ \_\_\_\_\_

**ORAL PRESENTATIONS**

WNYPa reserves the right to conduct individual interviews with the finalists and to request best and final offers from any or all finalists. WNYPa may, but is not required to, negotiate with vendors. When WNYPa elects to negotiate, negotiations shall be conducted with the vendors whose proposals fall in the competitive range. The competitive range includes those proposals whose price and technical factors are such as to give them a reasonable chance to winning the award. Such vendors shall be accorded fair and equal treatment with respect to any opportunity for negotiation and revision of proposals. The purpose of negotiations shall be to seek clarification with regard to the technical and price aspects of proposals so as to ensure WNYPa's full understanding of the proposals. No vendors shall be provided information about any other vendor's proposal, and no vendor shall be assisted in bringing its proposal up to the level of any other proposals.

**CONTRACT AWARD RECOMMENDATION**

WNYPa will award the contract to the responsive and responsible vendor whose proposal is determined to be the best value to WNYPa. In determining a vendor's responsibility, WNYPa shall consider:

1. The overall cost to WNYPa;
2. The ability, capacity and skill of the vendor to provide the service required successfully;
3. The character, integrity, reputation, judgement, experience and efficiency of the vendor;
4. The quality of the performance of previous contracts or services performed for WNYPa or other customers similar to WNYPa;
5. The sufficiency of the financial and operational resources and ability of the vendor to provide the services.

**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	Affirmative Action Compliance Notice	
F	Minority/Women Business Enterprise	
G	American's With Disability Act of 1990	
H	Non-Collusion Affidavit	
I	Business Entity Disclosure Certification	
J	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**

STATE OF NEW JERSEY

PARKING AUTHORITY OF WEST NEW YORK ss:

I \_\_\_\_\_ certify that I am the \_\_\_\_\_

of the firm of \_\_\_\_\_, the Respondent submitting Qualifications in response to a Request for same from the Parking Authority in regards to Services – **Credit Card Processing Services**. I further certify that:

1. I executed said Proposal with full authority so to do; and
2. All statements contained in the Submission and in this affidavit are accurate, factual and complete, and made with full knowledge that the Parking Authority of West New York 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
3. Respondent has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project through participation with any other person, firm or party; and
4. Respondent agrees to participate in good faith in the procurement process as described in the RFP and to adhere to the Parking Authority's procurement schedule;
5. Respondent acknowledges that all costs incurred by it in connection with the preparation and submission of the Qualification Statement-Proposal and any proposal prepared and submitted in response to the RFP, or any negotiation which results therefrom, shall be borne exclusively by the Respondent. In no event shall the Parking Authority have any liability to Respondent for any costs incurred by the Respondent for the Qualification Statement-Proposal.
6. Respondent acknowledges and agrees that the Parking Authority may modify, amend, suspend and/or terminate the procurement process in its sole judgment.
7. Respondent is aware that any contract executed with respect to the services referred to in the RFP must comply with the applicable affirmative action and similar 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.

(Signature of Respondent) \_\_\_\_\_

Subscribed and sworn to before me

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

\_\_\_\_\_

(Seal) Notary Public of New Jersey

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

**NOTE: THIS FORM MUST BE COMPLETED, NOTARIZED AND RETURNED WITH THIS PROPOSAL**

**APPENDIX B**

**LETTER OF QUALIFICATION**

**(To be Typed on Respondent's Letterhead. NO MODIFICATIONS MAY BE MADE TO THIS LETTER)**

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 Parking Authority of West New York ("Parking Authority"), dated *(Insert Date)* in connection with the Parking Authority's need for Credit Card Processing 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

\_\_\_\_\_  
Chief Financial Officer

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

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**

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 DISABILITY**

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.

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