

VENDOR Procurement Guide



AUGUST 2020

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WELCOME

This guide will acquaint you with procedures followed by the Purchasing Division in carrying out procurement activities for the County of Somerset.

Familiarity with the process will assist you in presenting your product or service and developing cordial and businesslike relationships.

Intended as a general guide, this information may not respond to all your questions. Please call or submit in writing if you have other questions.

**Purchasing Division
County Administration Building 3rd Floor
PO Box 3000 – 20 Grove Street
Somerville, NJ 08876-1262
Phone: 908-231-7043
PurchasingDiv@co.somerset.nj.us**

Business Hours: Monday thru Friday 8:30 A.M. – 4:30 P.M.

Melissa A. Kosensky, RPPO, QPA - Purchasing Agent

7043

County Website: <http://www.co.somerset.nj.us/>

To access a variety of Formal Bids, Notices for Construction/Public Works contracts, Exempt Services Requests for Proposals and Competitive Contract RFPs, Requests for Qualifications (RFQs) and Major Quotations; Email Notification for up-to-date posted requirements, Bid Tabulations and Auction Lists.

Centralized Purchasing Goals and Objectives

Promote
Ethics, Efficiency, Economy and Effectiveness
And
Full, Fair, Free and Open Competition

To Purchase the: **Right Quality**
in: **Right Quantity**
for: **Right Price**
from: **Right Source**
at: **Right Time**
in: **Right Manner**

In accordance with:

- ***Sound procurement practices and policies, The Local Public Contracts Law and Rules, Fair and Open procurement of exempt services, other governing statutes & regulations, and the best business judgment in the field.***
- ***Balance centralization of the purchasing function against decentralized using agencies. What is needed and when it is needed is best understood by the using agency while the lowest possible cost or greatest net county-wide savings is a function of proper purchasing control.***
- ***Facilitate Purchasing Division/Vendor relationships and Department/Vendor relationships through impartial, ethical standards and behavior.***
- ***Administer as Lead Agency, #2 SOCCP Somerset County Cooperative Pricing System and minimize the total cost of purchasing operations for all.***
- ***Administer the surplus disposal program promoting public access and participation in an open, impartial process.***
- ***Maintain the highest standards of expertise in public procurement through participation in continuing education and a dedication to lifelong learning.***

PURCHASING POLICIES

In an average year, the Purchasing Division issues purchase orders valued in excess of \$206,000,000. The Division is guided in its activities by a number of basic policies as outlined in our goals and objectives.

INTRODUCING YOUR PRODUCT

The County engages in varied activities providing services to its residents. Over forty divisions, including Roads, Bridges, Recycling, Youth Services, Office on Aging, Veteran Services, Social Services, Engineering, Transportation, Facilities & Services, County Clerk, Sheriff, Prosecutor and Surrogate which require equipment, supplies and services procured by the Purchasing Division.

While it is beyond the scope of this booklet to list all the products and services which the County buys, we are interested in your product or service if it is required by the County. Therefore, it is important that your product or service be introduced in the most effective manner possible.

HOW THE COUNTY BUYS

Under Somerset County's centralized purchasing function, the Purchasing Agent is the authority for all purchases. Employees outside the Purchasing Division **do not** have the authority to commit funds or enter into contracts.

The Purchasing Division acts as liaison between all vendors and the County.

It is suggested that you make an appointment with the Purchasing Agent or staff in advance of any visit but you are welcome to drop off literature at any time.

All purchases (for goods and services) in excess of the bid threshold are on the basis of state contract* or formal, written, competitive, sealed bids or competitive contract RFP's. Bid documents must be used and are supplied by the Purchasing Division. Sample language and forms are appended to this booklet.

Purchases valued between \$6,000 in the aggregate and the bid threshold are made on a competitive basis utilizing a request for quotations (RFQ), which will be sent out by electronic transmission.

Purchases under \$6,000 in the aggregate may be made by Purchasing or the requesting department soliciting either verbal or written competitive quotations.

The County has adopted a "Fair and Open" policy for all procurements with a value over \$17,500 covered by P.L. 2004 c.19, known as the New Jersey Local Unit Pay-To-Play law (N.J.S.A.19:44A - 20.4 et seq.)

In case of an imminent emergency threatening the health, welfare or safety of the citizens of Somerset County and with the consent of the Purchasing Agent, division heads may purchase necessary supplies, materials or equipment. This authority is very narrowly construed.

DO NOT ACCEPT OR FILL AN ORDER WITHOUT A NUMBERED PURCHASE ORDER ISSUED BY THE PURCHASING DIVISION AND SIGNED BY THE PURCHASING AGENT.

NEW JERSEY BUSINESS REGISTRATION LAW

Pursuant to N.J.S.A. 52:32-44 Somerset County is prohibited from entering into a contract with an entity unless the bidder/proposer/contractor, and each subcontractor that is required by law to be named in a bid/proposal/contract has a valid Business Registration Certificate on file with the Division of Revenue and Enterprise Services within the Department of Treasury.

Prior to contract award or authorization the contractor shall provide the Contracting Agency with its proof of business registration and that of any names subcontractor(s). Subcontractors names in a bid or other proposal shall provide proof of business registration to the bidder, who in turn, shall provide it to the Contracting Agency prior to the time a contract, purchase order, or other contracting document is awarded or authorized.

During the course of contract performance:

1. the contractor shall not enter into a contract with a subcontractor unless the subcontractor first provides the contractor with a valid proof of business registration.
2. the contractor shall maintain and submit to the Contracting Agency a list of subcontractors and their addresses that may be updated from time to time.
3. the contractor and any subcontractor providing goods or performing services under the contract, and each of their affiliates, shall collect and remit to the Director of the Division of Taxation in the Department of the Treasury, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into the State. Any questions in this regard can be directed to the Division of Taxation at (609) 292-6400. Form NJ-REG can be filled out online at <http://www.state.nj.us/treasury/revenue/busregcert.shtml>

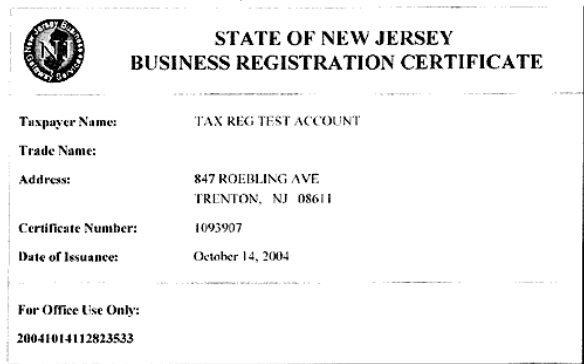
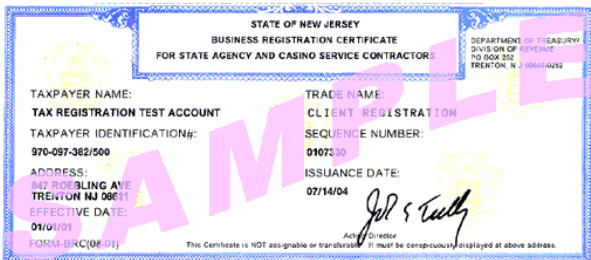
Before final payment is made under the contract, the contractor shall submit to the Contracting Agency a complete and accurate list of all subcontractors used and their addresses.

Pursuant to N.J.S.A. 54:49-4.1, a business organization that fails to provide a copy of a business registration as required, or that provides false business registration information, shall be liable for a penalty of \$25 for each day of the violation, not to exceed \$50,000, for each proof of business registration not properly provided under a contract with a contracting agency.

Emergency Purchases or Contracts

For purchases of an emergent nature, the contractor shall provide its Business Registration Certificate within two weeks from the date of purchase or execution of the contract or prior to payment for good or services, whichever is earlier.

THESE ARE **SAMPLES** OF THE **ONLY** ACCEPTABLE BUSINESS REGISTRATION CERTIFICATES. PREFER SUBMITTED WITH BID RESPONSE REQUIRED BY LAW PRIOR TO AWARD OF CONTRACT



#2 SOCCP COOPERATIVE PRICING SYSTEM

In accordance with New Jersey statutes, applicable contracts may be extended, if agreed to by the vendor in the bid document to the members of the Somerset County Cooperative Pricing System.

Whenever any of cooperative members elect to purchase under a Cooperative Pricing System contract, they are not required to obtain additional bids and may contact the contract vendor directly. When utilizing the County contracts, these governmental entities are responsible for issuing the purchase orders, processing payments, and maintaining all accounting records. However, vendors are reminded that they can only sell commodities or services that are specifically awarded in their contracts through the Somerset County Cooperative Pricing System. If there are problems with the item or service, the governmental entity is responsible for resolving the discrepancy with the contractor.

NOTICE OF INVITATION FOR FORMAL BID

A legal Notice to Bidders is published in the official newspaper "Courier News" and placed on the County website. Advertisements may also be placed in other publications having a specific planned coverage. Those responding to a bid advertisement are given full opportunity to submit a bid and are not discriminated against on any basis.

Obtaining bid packages is the sole responsibility of vendors. The County specifically disclaims any liability for failure to mail any requests for proposals, quotations or bid packages.

Bid requirements may include but are not necessarily limited to:

1. Statement of Ownership Disclosure (N.J.S.A. 52:25-24.2 and P.L. 1977 c. 33 as amended by P.L. 2016, c. 43)
2. Non-Collusion Affidavit (N.J.S.A. 32:34-15)
3. EEO/Affirmative Action and the Americans with Disabilities Act (N.J.S.A. 10:5-31 et. seq. and N.J.A.C. 17:27-1 et. seq.)
4. New Jersey Workers & Community Right to Know Act: (N.J.S.A. 34:54-1 et. seq. and N.J.A.C. 8:59-1.1 et. seq.); Material Safety Data Sheet and the Global Harmonized System
5. Prevailing Wages: P.L. 63, C. 150 (N.J.S.A. 34:11-56.25 et. seq.)
6. Bid Bond/Consent Surety/Performance Bond/Labor & Material Bond/Payment Bond/Maintenance Bond
7. Specific Insurance Requirements
8. Public Works Contractor Registration (State Certificate) for further information contact Division of Wage & Hour Compliance, PO Box 389, Trenton, NJ 08625-0389. Phone (609)292-9464 (N.J.S.A. 34:11-56.48)
9. New Jersey Business Registration (N.J.S.A. 52:32-44)
10. Pay to Play Disclosure Requirements (N.J.S.A. 19:44A-20.27 et seq.)
11. Disclosure of Investment Activities in IRAN (N.J.S.A. 52:32-55 and N.J.S.A. 40A:11-2.1)

SUBMISSION OF FORMAL BIDS

Bids must be submitted on the forms provided by the County. Vendors are urged to read and thoroughly understand all general and specific instructions to bidders.

All submissions must be received by the Purchasing Division prior to the time and date noted in the documents. Late bids will not be accepted after the designated times, will be returned unopened and will not be considered under any circumstances.

You are responsible for presenting the bid at the time and place listed in the Notice to Bidders.

BID SECURITY AND BONDING REQUIREMENTS

Bid Bond may be required with formal, sealed bids. They are a guarantee that the successful bidder will accept the order (enter into a contract) and will perform at the price noted on the bid. A bid guarantee can be in the form of a Bid Bond from an acceptable surety company or in the form of certified or cashier's check.

BID OPENINGS

All formal bids are opened and read publicly at a location stated in the Notice to Bidders at the time and date shown.

The Purchasing Agent or a Designee presides over bid openings. The total gross amount of the bid is read. Unit prices may be read where necessary. Formal tabulation of all bids are available on the county website. An invitation is extended to all bidders, sales representatives, press and interested public to be present at all bid openings.

TABULATIONS AND AWARDS

All submissions are evaluated by the Purchasing Agent and the using department/division head. The award is made to the lowest responsive and responsible bidder providing a submission that result in the lowest ultimate cost to the County.

All bids are to be submitted as specified in the bid or quotation documents, with the bid to include all shipping and delivery charges to the specific address.

A factor in determining what the County buys is the quality requirement of the using department or division. This requirement is not necessarily the most nor the least expensive of a particular commodity or service. The County determines specific quality levels for each individual application. That is, the goods or services that is both economical and deemed most suitable for the particular use/purpose.

The quality or function required for goods or services is identified in a specification/scope of work which may become quite technical. Brand names and/or descriptions used in bids are frequently designed to acquaint bidders with the type and function of the commodity to be purchased. Brand names may be used as a standard by which alternate or competitive materials may be evaluated. When bidders are proposing an alternate product, a full explanation of the variations between the alternate and the specified brand name product and the reasons for advantages of the substitution must be provided in the appropriate space in the bid proposal or in an accompanying letter. Failure to provide such written explanation with the bid prior to bid opening may disqualify the bid.

If prior to bid opening, a vendor finds that an error has been made in a submission; a written request must be made to withdraw the bid. An alternative sealed bid may be submitted containing the correct information; however it must be submitted prior to the specified time and date of the bid opening.

W-9 FORM

Successful bidder/respondent **must** complete **W-9 Form** and submit to Purchasing Division prior to contract award. The form is available at the following link: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>

Please Note—The County of Somerset or any of its offices and divisions will not complete credit applications as a result of contract(s) resulting from bid awards or State Contract purchases.

DELIVERY DATES AND LOCATIONS

Vendors should always state the number of calendar days required before delivery of a product will be made or indicate the specific date upon which delivery will be made. The time required for delivery may be one of the considerations in determining an award. Successful bidders are expected to deliver goods and/or services within the specified time.

All shipments to the County must be made to the locations designated on the purchase order. Deliveries may be required to be made to various departments and divisions throughout the County. A County purchase order number must appear on the vendor's shipping documents. Failure to meet specified delivery schedules may result in cancellation of the order or jeopardize future orders.

Bidders shall insert prices for furnishing goods and services required by the specifications. Prices shall be net including any charges for packing, crating, containers etc. All transportation charges shall be fully prepaid by the contractor, F.O.B. destination and placement at locations specified by the County.

PARTIAL DELIVERIES

Delivery must be made in the exact quantity called for in the purchase order. Partial deliveries, however, may be required and accepted in some instances. No additional charges will be allowed for any transportation costs resulting from partial shipments made at Vendor's convenience when a single shipment is ordered. In the case of a partial delivery, the shipping documents and invoices must indicate the quantity being delivered and not the quantity covered by the total order.

HOW THE COUNTY PAYS **ACCOUNTS PAYABLE – FINANCE**

After a purchase order has been issued to a vendor, a number of steps remain before the transaction is completed. These are:

1. Delivery and acceptance of goods or services
2. Report of receipt of the goods or services by the using division to Accounts Payable
3. Purchase Order signed by the vendor and sent to requesting division.
4. Invoicing by the vendor - (usually accompanies submission of purchase order)
5. Approval by the Board of Freeholders at public meetings (second & fourth Tuesdays)
6. Payment by the County

TAXES

Federal excise tax and state sales taxes are not applicable to sales made to the County, a tax exempt government unit.

NON-PAYMENT OF PENALTIES AND INTEREST ON OVERDUE BILLS

State Law requires that public funds be used to pay only for goods delivered or services rendered. Somerset County will not pay penalties and/or interest on overdue bills. No employee is authorized to sign a letter of credit or any other document that represents a legal commitment on the part of the County to pay additional fees.

VENDOR'S INVOICES

In order to receive payment for goods or services furnished to the County, the vendor must submit to the requesting division, an original and at least one copy of an itemized invoice for such goods or services and the signed, dated original Purchase Order returned to the Ship to Address noted on the Purchase Order. Purchase Orders and invoices **should not** be sent to the Purchasing Division. This may delay payment.

Itemized invoices must show:

1. County of Somerset purchase order number
2. Name of requesting division
3. Complete description of the goods or services furnished
4. Quantity shipped, date and carrier
5. Unit prices and extensions
6. The terms of payment
7. Vendor's invoice number and date

DISPOSITION OF SURPLUS & OBSOLETE MATERIALS

The Purchasing Division disposes of surplus or obsolete materials, supplies and equipment that is no longer needed by the County. Some items are offered as trade-ins. The items are sold annually, or at other specific times, by public sale, bid or auction as permitted by law.

ETHICS

The County of Somerset expects a high standard of ethics in conducting business and reserves the right to reject any supplier whose performance breaches these standards.

Employees of the County of Somerset may not accept gifts or gratuities.

The Purchasing Division subscribes to the Code of Ethics of the Governmental Purchasing Association of New Jersey, Inc., The New Jersey Association of County Purchasing Officials, and The National Institute of Governmental Purchasing.

Amendments to N.J.S.A. 2C:21-34 et seq - "TRUTH IN CONTRACTING"

Provisions of this law govern false claims and representation. It is serious crime for the vendor to knowingly submit a false claim and/or knowingly make material misrepresentation. There are enhanced penalties for areas of false claims, bid rigging and bribery, gratuities and gifts; and conflict of interest. Please consult the statute for further information.

"Pay to Play" – Notice of Disclosure Requirement – P.L. 2005, Chapter 271, Section 3 Reporting (N.J.S.A. 19:44A – 20.27)

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.

E-mail Notifications for Newly Posted Contracts is Available

Log on to the County web-site www.co.somerset.nj.us

- Click on Email Subscription button.
- After the list of "current opportunities for bidding" you will see a statement:
- If you would like to be notified by e-mail when the BID Notice page is updated, [click here](#)
- Enter your e-mail address.

You will receive notices whenever the page is updated. It is not commodity or service selective at this time.

After the Bid Opportunities there are RFP Opportunities for Professional Services such as: Medical Providers, Consultants, Engineering Services, etc.

If you would like to be notified by e-mail when the RFP Notice page is updated, [click here](#)
You must sign up for each section separately.



County of Somerset New Jersey

PO Box 3000 – 20 Grove Street
COUNTY ADMINISTRATION BUILDING
Somerville, NJ 08876-1262
PHONE: (908) 231-7043 FAX: (908) 575-3917



OWNERSHIP DISCLOSURE FORM

BID SOLICITATION #: _____ VENDOR {BIDDER}: _____

PART 1

PLEASE COMPLETE THE QUESTIONS BELOW BY CHECKING EITHER THE "YES" OR THE "NO" BOX. ALL PARTIES ENTERING INTO A CONTRACT WITH THE STATE ARE REQUIRED TO COMPLETE THIS FORM PURSUANT TO N.J.S.A. 52:25-24.2

PLEASE NOTE THAT IF THE VENDOR/BIDDER IS A NON-PROFIT ENTITY, THIS FORM IS NOT REQUIRED.

- | | <u>YES</u> | <u>NO</u> |
|---|--------------------------|--------------------------|
| 1. Are there any individuals, corporations, partnerships, or limited liability companies owning a 10% or greater interest in the Vendor {Bidder}? | <input type="checkbox"/> | <input type="checkbox"/> |
| IF THE ANSWER TO QUESTION 1 IS "NO", PLEASE SIGN AND DATE THE FORM. | | |
| IF THE ANSWER TO QUESTION 1 IS "YES", PLEASE ANSWER QUESTION 2—4 BELOW. | | |
| 2. Of those parties owning a 10% or greater interest in the Vendor {Bidder}, are any of those parties individuals? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Of those parties owning a 10% or greater interest in the Vendor {Bidder}, are any of those parties corporations, partnerships, or limited liability companies ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. If you answer to Question 3 is "YES", are there any parties owning a 10% or greater interest in the corporation, partnership, or limited liability company referenced in Question 3? | <input type="checkbox"/> | <input type="checkbox"/> |

IF ANY OF THE ANSWERS TO QUESTION 2-4 ARE "YES", PLEASE PROVIDE THE REQUESTED INFORMATION IN PART 2 BELOW.

PART 2

PLEASE PROVIDE FURTHER INFORMATION RELATED TO QUESTIONS 2—4 ANSWERED AS "YES".

If you answered "YES" for questions 2, 3, or 4, you must disclose identifying information related to the individuals, corporations, partnerships, and/or limited liability companies owning a 10% or greater interest in the Vendor {Bidder}. Further, if one or more of these entities is itself a corporation, partnership, or limited liability company, you must also disclose all parties that own a 10% or greater interest in that corporation, partnership, or limited liability company. This information is required by statute.

INDIVIDUALS

NAME _____			
ADDRESS 1 _____			
ADDRESS 2 _____			
CITY _____	STATE _____	ZIP _____	

NAME _____			
ADDRESS 1 _____			
ADDRESS 2 _____			
CITY _____	STATE _____	ZIP _____	

NAME _____			
ADDRESS 1 _____			
ADDRESS 2 _____			
CITY _____	STATE _____	ZIP _____	

NAME _____			
ADDRESS 1 _____			
ADDRESS 2 _____			
CITY _____	STATE _____	ZIP _____	

Attach Additional Sheets If Necessary

PART 2 continued
PARTNERSHIPS / CORPORATIONS / LIMITED LIABILITY COMPANIES

ENTITY NAME			
PARTNER NAME			
ADDRESS 1			
ADDRESS 2			
CITY	STATE		ZIP

ENTITY NAME			
PARTNER NAME			
ADDRESS 1			
ADDRESS 2			
CITY	STATE		ZIP

ENTITY NAME			
PARTNER NAME			
ADDRESS 1			
ADDRESS 2			
CITY	STATE		ZIP

Attach Additional Sheets if Necessary

In the alternative, to comply with the ownership disclosure requirement, a Vendor {Bidder} with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10% or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10% or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest. N.J.S.A. 52:25-24.2.

PART 3
PUBLICLY TRADED PARENT COMPANY DISCLOSURE

Ownership disclosure (name and address) can be met by submitting the last annual filing of an SEC or similar foreign regulator document or providing the website link to such documents, and include relevant page numbers. See N.J.S.A 52:25-24.2.

<u>TITLE OF ATTACHED DOCUMENTS OR WEBLINK</u>	<u>PAGE #</u>

Attach Additional Sheets if Necessary

CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor {Bidder}, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the County of Somerset, NJ is relying on the information contained herein, and that the Vendor {Bidder} is under a continuing obligation from the date of this certification through the completion of any contract(s) with the County to notify the County in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I will be subject to criminal prosecution under the law, and it will constitute a material breach of my agreement(s) with the County, permitting the County to declare any contract(s) resulting from this certification void and unenforceable.

Signature (Do not enter Vendor ID as a signature)

Date

Print Name and Title

FEIN/SSN

**COUNTY OF SOMERSET, NEW JERSEY
NON-COLLUSION AFFIDAVIT
(N.J.S.A. 52:34-15)**

State of _____

County of _____

I, _____ residing in _____
(Name of Affiant) (Name of Municipality)

in the County of _____ and State of _____ of full age,

being duly sworn according to law on my oath depose and say that:

I am _____ of the Company of _____
(Title or Position) (Name of Firm/Company)

the Bidder/Respondent making this Proposal for the Bid/RFP numbered _____ ,
(Contract #)

and that I executed the said Proposal with full authority to do so; that said Bidder/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 numbered project; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the County of Somerset relies upon the truth of the statements contained in said Proposal and in the statements contained 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 such 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 _____ .
(Name of Firm/Company)

(Signature of Affiant)

(Type of Print Name of Affiant)

County of Somerset, New Jersey

**EEO/AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27
GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS**

All successful bidders are required to submit evidence of appropriate affirmative action compliance to the County and Division of Public Contracts Equal Employment Opportunity Compliance. During a review, Division representatives will review the County files to determine whether the affirmative action evidence has been submitted by the vendor/contractor. Specifically, each vendor/contractor shall submit to the County, prior to execution of the contract, one of the following documents:

Goods and General Service Vendors

1. Letter of Federal Approval indicating that the vendor is under an existing Federally approved or sanctioned affirmative action program. A copy of the approval letter is to be provided by the vendor to the County and the Division. This approval letter is valid for one year from the date of issuance.

Do you have a federally-approved or sanctioned EEO/AA program? Yes No
If yes, please submit a photostatic copy of such approval.

2. A Certificate of Employee Information Report (hereafter "Certificate"), issued in accordance with N.J.A.C. 17:27-1.1 et seq. The vendor must provide a copy of the Certificate to the County as evidence of its compliance with the regulations. The Certificate represents the review and approval of the vendor's Employee Information Report, Form AA-302 by the Division. The period of validity of the Certificate is indicated on its face. Certificates must be renewed prior to their expiration date in order to remain valid.

Do you have a State Certificate of Employee Information Report Approval? Yes No
If yes, please submit a photostatic copy of such approval.

3. The successful vendor shall complete an Initial Employee Report, Form AA-302 and submit it to the Division with \$150.00 Fee and forward a copy of the Form to the County. Upon submission and review by the Division, this report shall constitute evidence of compliance with the regulations. Prior to execution of the contract, the EEO/AA evidence must be submitted.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) on the Division website www.state.nj.us/treasury/contract_compliance.

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: _____

PRINT NAME: _____ TITLE: _____

DATE: _____

COUNTY OF SOMERSET, NEW JERSEY
EXHIBIT A
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27
GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

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

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

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

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

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

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

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

SAMPLE CERTIFICATE OF EMPLOYEE INFORMATION REPORT

Certification 111XX

CERTIFICATE OF EMPLOYEE INFORMATION REPORT

INITIAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of 15-DEC-20XX to 15-DEC-20XX

**SAMPLE COMPANY, INC.
33 WEST STATE STREET
TRENTON, NJ 08625**

VOID



State Treasurer

COUNTY OF SOMERSET, NEW JERSEY
AMERICANS WITH DISABILITIES ACT OF 1990
Equal Opportunity for Individuals with Disability

The Contractor and the Owner, do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (*42 U.S.C. S121 01 et seq.*), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

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

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

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

County of Somerset, New Jersey
Disclosure of Investment Activities in Iran

Bidder Name:	
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Part 1: Certification

*BIDDERS ARE TO COMPLETE PART 1 BY CHECKING **EITHER BOX.***

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 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 may render a bidder’s proposal non-responsive. If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

Check the Appropriate Box

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

OR

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

Part 2 – Additional Information

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 on additional sheets provided by you.

Part 3: Certification

I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments there 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 County of Somerset 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 County of Somerset to notify the County of Somerset 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 County of Somerset and that the County of Somerset at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:	
Signature:		Date:	