

Borough of Lake Como  
Monmouth County  
NEW JERSEY

REQUESTS FOR PROPOSALS (“RFP”) FOR INDEPENDENT FINANCIAL ADVISOR  
IN CONNECTION WITH THE POTENTIAL SALE OF THE BOROUGH’S WATER  
AND SEWAGE UTILITIES

FOR ADDITIONAL INFORMATION CONTACT:

Amy L Boney  
Acting Borough Clerk,  
1740 Main Street,  
Lake Como, NJ 07719  
Phone: 732-681-3232

**NOTICE OF  
AVAILABILITY OF REQUESTS FOR PROPOSALS (“RFP”) FOR  
INDEPENDENT FINANCIAL ADVISOR  
BOROUGH OF LAKE COMO**

**1740 Main Street,  
Lake Como, NJ 07719**

PLEASE TAKE NOTICE that, on behalf of the Borough of Lake Como (the “Borough”), in Monmouth County, the Borough is requesting qualifications and proposals from financial advisors to serve as the Borough’s Independent Financial Advisor in connection with the potential sale of the Borough’s water and sewage utilities.

The qualifications and proposals are being solicited through a “fair and open” process in accordance with N.J.S.A. 19:44A-20.5, *et seq.*

Sealed qualifications and proposals will be received by the Borough Clerk of Lake Como, Borough Hall, 1740 Main Street, Lake Como, New Jersey 07719 on August 28, 2023 at 3:00 P.M. , prevailing time.

Request for Proposals are available via <http://lakecomonj.org>/or at the Office of the Borough Clerk at the address listed hereinabove and may be inspected/obtained by prospective bidders during regular business hours. As an alternative to downloading, bidders will be furnished with a copy of the specifications upon proper notice and payment of a non-refundable fee of \$10. Bids must be made on standard proposal forms in the manner designated therein and required by the specifications and must be enclosed in a sealed envelope, bearing the name and address of the bidder and name of contract on the outside, addressed as follows: Borough Clerk, Borough of Lake Como 1740 Main Street, Lake Como, NJ 07719.

In the event that it becomes necessary to clarify or revise this RFP, such clarification or revision will be by addendum. Any addendum to this RFP will become part of this RFP and part of any contract awarded as a result of this RFP. ALL RFP ADDENDA WILL BE ISSUED ON THE BOROUGH OF LAKE COMO ’S WEB SITE. TO ACCESS ADDENDA, GO TO <http://lakecomonj.org>. There are no designated dates for release of addenda. Therefore, interested bidders should check the website on a daily basis from time of RFP issuance through bid opening. It is the sole responsibility of the bidder to be knowledgeable of all addenda related to this contract.

Bidders are required to comply with the requirements of the Public Law, 1975, C.127 N.J.S.A. 34:11-56.25 *et seq.* as amended in Chapter 64 of the Laws of 1974 and P.L. 1977 Ch. 33, N.J.S.A. 52:25-24.2 which requires a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, of any class or of all individual partners in the partnership who own 10% or greater interest therein, as the case may be. Bidders should review the ownership disclosure statement provisions of N.J.S.A. 52:25-24-2.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31, *et seq.* and N.J.A.C. 17:27. The statutory and regulatory language of those statutes and administrative regulation are incorporated into the specifications and the contract with the successful bidder by reference.

The successful bidder will be required to submit a New Jersey Business Registration Certificate pursuant to the requirements of N.J.S.A. 52:32-44 prior to award of the contract.

Prospective bidders are required to comply with the requirements of N.J.S.A. 10:5-31 *et. seq.* and N.J.A.C. 17:24 (Contract Compliance and Affirmative Action for Public Contracts). A copy of the Law is available at the Borough’s Clerks Office upon request and is made a part of the bid specifications.

Prospective bidders are required to comply with the requirements of 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), 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 of this requirement is available from ELEC at 888-313-3532 or at [www.elec.state.nj.us](http://www.elec.state.nj.us).

The successful bidder shall be required to comply with the provisions of the New Jersey Prevailing Wage Act.

Qualifications and proposals must be enclosed in a sealed envelope and plainly marked with the identity of the contract as follows: **Proposals for Independent Financial Advisor**. The envelope shall contain the name and address of the prospective bidder.

Upon receipt of qualifications and proposals, the Borough Clerk shall transmit copies of each proposal to the Administrator. Proposals will be evaluated on the basis of the most advantageous, price and other factors considered. The evaluation will consider:

- A. Experience and reputation in the field, with special attention to bidders who have provided similar services to municipalities.
- B. Demonstrated understanding of the Borough's needs and the ability to meet the Borough's needs as set forth in the project description and proposal requirements.
- C. Compensation proposal based upon hourly rates.
- D. Evidence of capability and experience as measured by performance record, years in the industry, relevant experience, client retention, and references.
- E. Other factors demonstrated to be in the best interest of the Borough.

Upon completion of the review process, the Administrator shall transmit its findings and recommendations to the Borough Council which shall award the subject contract by resolution.

The Borough Council reserves the right to reject any and all bids or to waive any irregularities or informalities as may be permitted by law.

## SPECIFICATIONS FOR FINANCIAL ADVISOR TERMS AND CONDITIONS

### I. Introduction

The Borough of Lake Como (the "Borough") has determined to explore the sale of its water and sewer systems. The Borough is requesting proposals from independent financial advisors to provide advice and analysis on fiscal matters related to the proposed sale of the Borough's water and sewer utilities. The qualification and proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et seq.

### II. Scope of Services.

The following is a non-exhaustive list of the functions anticipated to be provided by a financial advisor in their analysis of the water and sewer utilities:

- A. Evaluate the Borough's water and sewer systems and review, analyze and prepare a report on the following:
  - a. the value of the systems;
  - b. an estimate as to the financial requirements necessary to operate and maintain the utilities;
  - c. the short and long term impacts to rate-payers of the cash-flow structure of a proposed sale of the utilities, required capital improvements and regulatory requirements; and
  - d. provide an estimate as to the financial requirements necessary to address the emergent conditions under Water Infrastructure Protection Act (WIPA) (N.J.S.A 58:30-1 et seq.) if such conditions exist or are identified by the Borough/ or the Borough's independent engineering consultant.
- B. The Independent Financial Advisor shall be responsible for the thorough understanding of the project's requirements. The Independent Financial Advisor shall become familiar with the Borough's procedures, presentation and coordinating requirements necessary for the effective performance of the Contract.
- C. The Independent Financial Advisor will coordinate its activities with the Borough's attorneys/agents, clerk/administrator, and CFO/QPA. The Independent Financial Advisor will promptly establish a means of coordinating and reporting its activities with the designated project liaison to ensure an expeditious exchange of information.

### III. Qualifications/Bidding/Award.

- A. Qualified bidders will meet the following criteria:
  - 1) Bidders must provide a list of their qualifications for the position and proof of their expertise and experience.
  - 2) Bidders must provide a description of specific familiarity with the services required by the Borough.

3) Bidders must provide a description of previous experience with similar projects successfully completed by the Bidder.

4) Bidders must provide a compensation proposal based upon hourly rates.

B. All interested bidders must provide the following information:

1) Company Overview – Provide a history and description of your company, including location of servicing office.

2) References- Provide three (3) references. Include the name of the issuer for whom you have provided similar services along with the contact person’s name, title, address, telephone number and email address.

3) Primary Contact - Identification of the persons who will serve as alternates to the person primarily responsible for providing the required services.

4) Investigations/Litigation – Provide details of any criminal or regulatory investigation or persistent litigation pending against your firm or members of your firm.

5) Knowledge of the Borough – Provide a statement as to your knowledge and experience with the Borough and an understanding of the Borough’s needs and goals.

6) Relationships – Disclose all affiliations and/or contractual relationships with underwriters or investment managers whether or not you believe these would have an effect on advice rendered.

7) Certificates Required – The following certificates must be provided:

i. Affirmative Action Employee Information Report or Certificate of Employee Information Report;

ii. Satisfactory evidence of comprehensive general liability and professional liability insurance coverage;

iii. Proof of New Jersey Business Registration;

iv. Proof of registration with the Securities Exchange Commission and the Municipal Securities Rulemaking Board to provide advise to issuers of municipal debt; and

v. Ownership and Pay-to-Play disclosures, as necessary.

8) Any other information as required by the Borough and/or set forth in these specifications.

#### IV. Submission of Proposals

A. Any proposal must be submitted in a sealed envelope, clearly marked on the outside as **“Proposals for Independent Financial Advisor.”** **8 (Eight) copies** of the proposal (one (1) unbound, original; seven (7) bound copies; one (1) copy in PDF format on a CD, must be received by the Office of the Borough Clerk, 1740 Main Street, Lake Como, NJ 07719, no later than August 28, 2023, at 3:00 P.M, at which time they will be publicly opened, announced, and recorded. Proposals will not be considered

unless they are received by the Borough Clerk on or before the above date and time, regardless of when mailed. Bidders are therefore encouraged to submit proposals by hand delivery. It is the responsibility of the bidder to ensure that their Proposal is presented to the appropriate Borough office and officially received before the advertised date and time of the Proposal. It is understood and agreed upon that any Borough employee will be absolved from responsibility for the premature opening of any Proposal not properly labeled and sealed. By submitting a proposal, the Bidder acknowledges that they/it fully understand(s) the scope of services, work and activity to be performed.

Each proposal submitted must address the areas described below:

Title Page

- 1) Table of Contents
- 2) Executive Summary (including cost)
- 3) Scope of Services
- 4) Business and Background
- 5) Staffing
- 6) Assumptions
- 7) Timing
- 8) Appendices/Other
- 9) Completed forms

The information requested by the sectional format described above is further defined.

#### Title Page

The proposal should include a title page, which identifies the proposal; the Bidder's Firm, name of the Bidder's primary contact, address, telephone number, fax number and email address.

#### Table of Contents

The proposal should include a Table of Contents, which lists the titles and page numbers for each major topic and sub-topic contained in the proposal.

### Executive Summary

This section should include a summary of the key points and highlights of the Bidder's response and should discuss the pricing contained in the proposal.

In this section of the proposal, the Bidder should describe what work they believe will be necessary to perform the scope of services set forth in Section I including, but not limited to, their proposed methodologies to reach the conclusions for each of (a) - (c) set forth in such section. If there are any gaps between what the Bidder believes should be the proper scope given all information known at the time of this RFP, the Bidder should clearly state these gaps in this section and clearly mark these concerns as such.

### Business and Background

In this section, Bidder should provide the background on their company including but not limited to:

- 1) Identification of the parent company, if any, services, organization and company goals. A stockholder disclosure statement in the form attached to this RFP shall be completed and executed;
- 2) Copy of the company's Annual Report;
- 3) Organizational chart;
- 4) Brief biography of those involved in the management of the company;
- 5) Evidence of experience, capability and discussion of ability to perform the requested service;
- 6) Evidence of adequate general liability and workers' compensation insurance. Insurance requirements are as follows:

Commercial General Liability- with a minimum limit of \$1,000,000. Per occurrence and \$1,000,000 aggregate for bodily injury personal, advertising and property damage. The City of Salem shall be named as an additional insured. The Bidder's insurance shall be primary and non-contributory.

A waiver of subrogation clause shall be included with the policy.

Workers Compensation -with limits as prescribed by statute, employer's liability limit of \$1,000,000. Professional Liability/Malpractice-with a minimum of \$1,000,000 limit of liability

Cyber security and privacy liability-\$1,000,000 per occurrence or claim. The City shall be named as an additional insured.

All insurers should have an A.M. Best rating of A- VII or a Standard & Poor's rating of BBB or better. Bidder agrees to execute a hold harmless provision in the agreement.

7) Copy of NJ State Business Registration Certificate;

8) Affirmative Action Compliance Certification.

9) Disclosure of Investment In Iran Completed Form Staffing

A discussion of the staffing that will be utilized should be contained in this section. The Borough requests that as part of the discussion here, the Bidder state exactly the role the proposed Bidder team member will assume on this phase and detail the qualifications for the role that the team member possesses. This section should Include resumes and required certifications and background documents for all proposed employees who will be contributing to the services.

#### Assumptions

In this section, Bidders should state any assumptions being made relating to any part of the proposal or their response.

#### Timing

Delivery of the report shall be 60 days from the date of the contract. In this section, the Bidder shall describe whether it can comply with the Borough's requirements and what information is needed from the Borough to comply with the deadline. If the deadline cannot be complied with, the Bidder shall provide its own proposed timeline.

#### Appendices/Other

Any additional information applicable to the required content which Bidder feels will support their proposal may be included here, If Bidders feel that other materials are necessary (such as promotional literature, etc), they may be Included but may not be reviewed by the evaluators and will not be part of the official evaluation. All forms attached hereto shall be completed and submitted with the proposal.

B. The Agreement shall not be assignable without prior written consent of the Borough. The Borough may terminate the Agreement at any time for “cause.” “Cause” shall include, without limitation, breach by the Bidder of the provisions of any contract entered into by Bidder and the Borough, the Bidder’s failure to perform all services set forth herein in the manner required under this RFP, or the Bidder’s unsatisfactory performance of required services, subject to ten (10) days’ written notice and opportunity to cure. In the event the Borough terminates the Agreement for “cause,” the Borough shall provide ten (10) days’ prior written notice of termination, unless immediate termination is required in the Borough’s discretion. In addition, the Borough may terminate the Agreement without cause by providing the Bidder thirty (30) days’ prior written notice. Proposals must include all of the information requested herein. Failure to comply may result in a bidder’s proposal being considered as non-responsive. Contents of the proposal of the successful bidder shall become part of any contract awarded as a result of the proposal.

V. General Requirements.

1. Prior to commencement of operations pursuant to any contract awarded hereunder, the successful bidder shall demonstrate compliance with all requirements imposed by these specifications, and shall obtain all necessary licenses, certificates, or other approvals required by any federal, state, or local governmental authority. The provisions of these specifications shall be incorporated within the Agreement.

2. The successful bidder will be required to observe and comply with all present and future laws, ordinances, orders, rules, regulations, and requirements of all federal, state, and local governments, courts, departments, commissions, boards, and any other body exercising functions similar to those of any of the foregoing, which may be applicable to the successful bidder including, without limitation, the Americans with Disabilities Act of 1990, P.L. 101-336, 104 Stat. 327, as same may be amended, appearing generally at 42 U.S.C. §12101, *et seq.*, and all regulations and guidelines promulgated pursuant thereto (the “ADA”), and all applicable New Jersey laws regarding affirmative action, prevailing wage and any other applicable New Jersey requirements, the total of which may be referred to collectively herein as the “Applicable Laws,” except as provided herein.

VI. Conditions Applicable to this RFP

A. Upon submission of a proposal in response to this RFP, the Bidder acknowledges and consents to the following conditions relative to the submission, review and consideration of its proposal:

- 1) All proposals shall become the property of the Borough and will not be returned.
- 2) All proposals will be available to the public after submission and public opening.

3) Bidders who have submitted complete responsive proposals may be interviewed after receipt by the Borough and before award of the contract. Interviews shall be at the Borough's discretion if deemed necessary and are not guaranteed.

B. The Borough reserves, in its sole discretion, the following rights and options in accordance with the provisions of applicable law:

1) To determine whether the proposal complies or fails to comply with the terms of this RFP;

2) To waive any technical non-conformance with the terms of this RFP;

3) To change or alter the schedule for any events called for in this RFP upon the issuance of notice to all prospective Bidders who have received a copy of this RFP;

4) To conduct investigations of any or all of the Bidders, as the Borough deems necessary or convenient;

5) To request additional information to support the information included in any proposal; and

6) To suspend or terminate the procurement process described in this RFP in

accordance with law.

C. Bidder assumes any and all costs associated or incurred due to the preparation of its own RFP response, travel and interview time prior to contract award.

D. It is the intention of the Borough to award the contract to the bidder whose response is the most advantageous to the Borough, price and other factors considered, the determination of which is at the Borough's sole discretion.

VII. Indemnification

Bidder agrees to defend, indemnify and hold harmless the Borough, collectively and individually, and its members, agents, officials, representatives and employees from and against any and all damages, losses, or claims, including, but not limited to, reasonable attorney's fees, that arise as a result, in whole or in part, from any intentional or negligent act, error, or omission or failure to perform the Services by bidder or anyone performing the Services on bidder's behalf. Bidder further understands and agrees that during the performance of its services, it may come into contact with or review confidential information, including but not limited to employee personnel information and specifically agrees to indemnify the Borough as set forth herein for any damages, fees, or claims that result from bidder's negligent or unauthorized distribution of such information. The bidder shall further hold and save the Borough, its officials and employees, harmless from liability of any nature or kind for, or on account of, the use of any copyrighted or non-copyrighted composition, secret process, patented or unpatented invention, article or appliance furnished or used in the performance of this contract.

VIII. Required Forms

Each Bidder must also submit the following forms with its proposal:

- A. Proposal form;
- B. Ownership Disclosure Statement;
- C. Affirmative Action Compliance Notice;
- D. Mandatory Equal Employment Opportunity Language Form;
- E. Compliance with the Americans with Disabilities Act of 1990
- F. Non-Collusion Affidavit;
- G. State Of New Jersey Debarred List Affidavit;
- H. Disclosure Of Investment Activities in Iran
- I. References;
- J. Current New Jersey Business Registration Certificate;
- K. Disclosure of Investment Activities in Iran Certification;

IX. Evaluation of Bids.

- A. The Borough will evaluate qualifications submitted on the basis of the following factors:

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1) Experience and reputation in the field, with special attention to bidders who have provided similar services to municipalities.

2) Demonstrated understanding of the Borough's needs and the ability to meet the Borough's needs as set forth in the project description and proposal requirements.

3) Bidder's plan to implement the services to be provided, timeline for same and overview of the project team to be assigned.

4) Compensation proposal based upon hourly rates.

5) Evidence of capability and experience as measured by performance record, years in the industry, relevant experience, client retention, and references.

6) Other factors demonstrated to be in the best interest of the Borough.

B. The Borough reserves the right to make multiple awards for similar services in connection with this RFP or not to award a contract.

X. Award of Contract (Rejection of Proposal(s))

The contract shall be awarded, if at all, to the bidder that provides the best overall value to the Borough, price and other factors considered. The Borough reserves the right to reject any or all Proposals pursuant to N.J.S.A. 40A:11-1, et. seq., and to waive any informalities and to take such alternates that the Borough feels are in its best interests. The Borough may at its option accept any portion of the contract, depending on need, and may award different portions of the project to different bidders, depending on need.

XI. Termination of Contract.

Failure on the part of the bidder to comply with any of the provisions as set forth in this document and in all documents attached hereto, shall be sufficient cause for the termination of the contract, and in such case, the bidder shall receive a ten (10) day notice of termination of contract. In the event of death of an individual bidder, dissolution of a corporation or partnership, bankruptcy, insolvency, or appointment of a receiver, the Borough of Lake Como may declare said contract is terminated.

**PROPOSAL FORM**

Bidder: \_\_\_\_\_

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

Attn: \_\_\_\_\_

Title (President, Manager, etc.): \_\_\_\_\_

Telephone: \_\_\_\_\_

Local Office Address: \_\_\_\_\_

Attn: \_\_\_\_\_

Title (President, Manager, etc.): \_\_\_\_\_

Telephone: \_\_\_\_\_

If Bidder is a Corporation, Partnership, Limited Liability Company, or other business entity licensed by the State of New Jersey, state:

All persons owning 5% or more of the outstanding voting or equity interests: \_\_\_\_\_

\_\_\_\_\_  
Name of Entity: \_\_\_\_\_

State of Formation: \_\_\_\_\_

President of Entity: \_\_\_\_\_

Secretary of Entity: \_\_\_\_\_

Designated Agent for Service of Process: \_\_\_\_\_

Agent's address: \_\_\_\_\_

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

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

[Print below name & title of bidder representative signing this form]

**OWNERSHIP DISCLOSURE STATEMENT**

In accordance with P.L. 1977, c. 33 ((N.J.S.A.52.25-24.2), corporate and partnership bidders on this Contract must submit a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own 10% of more of its stock, of any class, or of all individual partners in the partnership who on a 10% or greater interest therein, as the case may be. If one of more such stockholder or partner is itself a corporation or partnership, the names and addresses of stockholders holding 10% or more of that corporation's stock, or of the individual partners owning 10% or greater interest in that partnership, as the case may be shall also be listed. The disclosure shall be continued until names and addresses of every known corporate stockholder, and individual partner, exceeding the 10% ownership criterion, has been listed. If the bidder is neither a corporation nor a partnership, he shall so attest in the spaces provided below. For the purpose of responding to this Ownership Disclosure Statement, a Limited Liability Company shall be considered equivalent to a partnership and as such, bidders must provide the information herein regarding ownership.

NAME

ADDRESS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Note: Add additional pages if necessary.**

**Note: Submit Statement for each member if a Joint Venture.**

Signature of Disclosure Statement in behalf of Partnership or Limited Liability Company:

Name of Partnership or Limited Liability Company

\_\_\_\_\_

\_\_\_\_\_  
Witness Signature

By: \_\_\_\_\_  
General Partner or Authorized Member

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

**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. 17:27-1 et seq.

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 evidences:

- (a) photocopy of a valid letter that the bidder 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 bidder 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 the Public Contracts (Division).

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as nonresponsive if said bidder fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C 17:27-1 et seq.

COMPANY:	_____	SIGNATURE:	_____
PRINT NAME:	_____	TITLE:	_____
DATE:	_____		

**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 bidder agrees as follows:

The bidder will not discriminate against any employee or Bidder 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, to bidder will ensure that equal employment opportunity is afforded to such Bidders 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 bidder agrees to post in conspicuous places, available to employees and Bidders for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

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

The bidder 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 bidder's commitments under the chapter and shall post copies of the notice in conspicuous places available to employees and Bidders for employment.

The bidder 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 bidder 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 bidder 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 bidder 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 bidder agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regards 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 bidder 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 (3) documents:

- 1) Letter of Federal Affirmative Action Plan Approval
- 2) Certificate of Employee Information Report
- 3) 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](http://www.state.nj.us/treasury/contract-compliance))

**AMERICANS WITH DISABILITIES ACT OF 1990**  
**Equal Opportunity for Individuals with Disability**

The bidder and the Borough of Lake Como , (hereafter “owner”) do hereby Agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the “Act”) (42 U.S.C. 121 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 bidder agrees that the performance shall be in strict compliance with the Act. In the event that the bidder, its agents, servants, or employees violate or are alleged to have violated the Act during performance of this contract, the bidder shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The bidder 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 of nature arising out of or claimed to arise out of the alleged violation. The bidder 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 bidder 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 bidder 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 bidder 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 bidder 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 bidder pursuant to this contract will not relieve the bidder 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 bidder, its agents, servants, and employees for any claim which may arise out of their performance of this Agreement. Furthermore, the bidder expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the bidder’s obligations assumed in this Agreement, nor shall they be construed to relieve the bidder 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.



**STATE OF NEW JERSEY DEBARRED LIST AFFIDAVIT**

STATE OF \_\_\_\_\_ :  
: :SS  
COUNTY OF \_\_\_\_\_ :

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ and the State of New Jersey of full age, being duly sworn according to law on my oath depose and say that:

I am \_\_\_\_\_ an officer of the firm of the Bidder making the Qualification for the above named work, and that I executed the said Qualification with full authority to do so; that said Bidder at the time of making this Qualification is not included on the State of New Jersey, State Treasurer’s List of Debarred, Suspended and Disqualified Bidders; and that all statements contained in said Qualification and in this affidavit are true and correct, and made with the full knowledge that the Borough of Lake Como , as Owner, relies upon the truth of the statements contained in said Qualification and in the statements contained in this Affidavit in awarding the contract for said work.

The undersigned further warrants that should the name of the firm making this Qualification appear on the State Treasurer’s List of Debarred, Suspended and Disqualified Bidders at any time prior to, and during the life of this Contract, including Guarantee period that the Borough of Lake Como shall be immediately notified by the signatory of this Eligibility Affidavit.

The undersigned understands that the firm making the Qualification as Bidder is subject to disbarment, suspensions and/or disqualification in contracting with the State of New Jersey, if the Bidder, pursuant to NJAC 7:15.2, commits any of the acts listed therein, and as determined according to applicable law regulations.

(Insert Name and Address of Bidder) \_\_\_\_\_

**Please sign before a Notary Public**

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

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
My Commission expires \_\_\_\_\_.

## **DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

### **PART 1: CERTIFICATION AS TO INVESTMENT ACTIVITIES IN IRAN**

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid Qualification or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that the person or entity, or one of the person or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the Department of the Treasury as a person or entity engaging in investment activities in Iran. If the Borough finds a person or entity to be in violation of the principles which are the subject of this law, it 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 person or entity.

I certify, pursuant to Public Law 2012, c.25, that the person or entity listed above for which I am authorized to submit a Qualification/bid/renewal:

Is not providing goods or services of \$20,000,000 or more in the energy sector of Iran, including a person or entity that provides oil or liquefied natural gas tanks, or products used to construct or maintain pipelines used in transport oil or liquefied natural gas, for the energy sector of Iran,

**AND**

Is not a financial institution that exceeds \$20,000,000 or more in credit to another person or entity, for 45 days or more, if that person or entity will use the credit to provide goods or services in the energy sector in Iran.

In the event that a person or entity is unable to make the above certification because it or one of its parents, subsidiaries, or affiliates has engaged in the above-referenced activities, a detailed, accurate and precise description of the activities must be provided in PART 2 below to the Borough under penalty or perjury. Failure to provide such will result in the Qualification 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 next page.

PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION.

IF YOU NEED TO MAKE ADDITIONAL ENTRIES,  
PLEASE ADD ADDITIONAL COPIES OF THIS FORM.

Name: \_\_\_\_\_ Relationship to Bidder/Bidder: \_\_\_\_\_

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

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

Bidder/Bidder Contact Name: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

**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 Borough 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 Borough to notify the Borough 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 Borough and that the Borough at its option may declare any contract(s) resulting from this certification void and unenforceable.

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

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

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

**AFFIDAVIT OF TRUTHFULNESS**

STATE OF \_\_\_\_\_ :  
: :SS  
COUNTY OF \_\_\_\_\_ :

\_\_\_\_\_, being duly sworn deposes and says:

That he/she is the \_\_\_\_\_ whose signature is affixed to the foregoing Qualification, that the information that is included in the Qualification for the Financial Advisor to the Borough of Lake Como is true and accurate in all respects to the best of his/her knowledge and belief.

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

Print Name:  
\_\_\_\_\_

Sworn to and subscribed before  
Me this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

**APPENDIX K**

**ACKNOWLEDGEMENT OF RECEIPT OF AGENDA OR REVISIONS (IF ANY)**

**Borough of Lake  
Como**

**REQUEST FOR QUALIFICATION – Financial Advisor**

Bidder has examined and carefully studied the RFQ, the other related data identified in the RFQ, if any, and the following Addenda, receipt of all of which is hereby acknowledged.

<u>Addendum No.</u>	<u>Date Received</u>	<u>Addendum No.</u>	<u>Date Received</u>
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Name of Bidder

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Signature

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Title