

**PUBLIC NOTICE OF FAIR & OPEN PROCUREMENT PROCESS** – In accordance with New Jersey Local Public Contracts Law and N.J.S.A. 19:44A-20.4 et. seq., the Borough of Mantoloking, County of Ocean, a municipal corporation of the State of New Jersey, is soliciting professional services proposals for 2024 through a fair and open process. Notice Is Hereby Given that sealed submissions will be received by the Borough Clerk, or designated representative, for the Borough of Mantoloking, County of Ocean, State of New Jersey, on Friday, November 17, 2023, at 10:00 A.M., prevailing time, then publicly opened and read aloud in the Steve Gillingham Meeting Room, Borough of Mantoloking, 202 Downer Avenue, Mantoloking, New Jersey 08738, for the following:

Borough Community Rating Systems Engineering Consultant, Financial Services Advisor, Borough Municipal Attorney, Conflict Public Defender, Borough Conflict Attorney, Municipal Prosecutor, Public Defender, Land Use Board Attorney, Borough Engineer, Borough Auditor, Conflict Municipal Prosecutor, Bond Counsel and Bank Services Proposal

Proposals must be submitted in sealed envelopes bearing the name and address of the proposer, the position for which you are applying shall be noted on the outside of the envelope, and addressed to:

Beverley Konopada, Borough Clerk  
Borough of Mantoloking  
202 Downer Avenue, P. O. Box 247  
Mantoloking, NJ, 08738.

Proposals must be received no later than 10:00 A.M. on Friday, November 17, 2023. Requirements for positions may be obtained on the Borough website at [www.mantoloking.org](http://www.mantoloking.org) or by e-mail request to: [boroclerk@mantoloking.org](mailto:boroclerk@mantoloking.org). Proposers must submit one (1) original plus one copy on a USB stick for all professional services being sought. All professional service contracts are required to comply with the requirements of N.J.S.A. 52:32-44 (Business Registration of Public Contracts), N.J.S.A. 10:5-31 et seq., and N.J.A.C. 17:27 et seq., (Contract Compliance and Equal Employment Opportunities in Public Contracts). Include with proposal. Submissions by Corporations and Partnerships shall include a completed Disclosure of Ownership form (N.J.S.A. 52:2524.2) and shall include a completed Non-Collusion Affidavit. Proposers for certain positions may be interviewed by the Mayor and Council or the Joint Planning and Zoning Board, prior to award. The Mayor and Council and the Joint Planning and Zoning Board of the Borough of Mantoloking reserve the right to reject any and all submissions due to any defects or waive informalities and accept any submission that in their judgment will be in the best interest of the Borough.

Beverley Konopada  
Borough Clerk

## **BOROUGH OF MANTOLOKING REQUEST FOR PROPOSAL FOR BANKING SERVICES**

**I. PURPOSE AND INTENT:** Through this Request for Proposal (RFP), the Borough of Mantoloking (hereinafter the "Borough") seeks to engage a vendor to provide Banking Services for the Borough of Mantoloking.

**II. PROPOSAL SUBMISSION:** The Borough requires the proposal be submitted in the following format: One (1) original, hard copy and one (1) copy in PDF File format on a flash drive, shall be submitted in sealed envelopes and must be marked "BANKING SERVICES" and addressed to:

Beverley Konopada, Borough Clerk  
Borough of Mantoloking  
202 Downer Avenue  
Mantoloking, NJ 08738

**All proposals shall be submitted both electronically and by mail/hand delivery and must be received by the Borough Clerk, Beverley Konopada, on or before Friday, November 17, 2023 at 10:00 a.m. prevailing time in the Borough Clerk's Office in the Municipal Building, 202 Downer Avenue, Mantoloking, New Jersey 08738, at which time and place responses will be opened.**

**Any inquiry concerning this RFP should be directed in writing to:  
Beverley Konopada, Borough Clerk at: [boroclerk@mantoloking.org](mailto:boroclerk@mantoloking.org)**

All professional service contracts are required to comply with the requirements of N.J.S.A. 52:32-33 et seq. (Business Registration of Public Contractors), N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. (Contract compliance and Equal Employment Opportunities in Public Contracts). Submissions by Corporations and Partnerships shall include a completed Disclosure of Ownership form (N.J.S.A. 52:25-24.2).

The Borough reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Borough further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all vendors submitting proposals. In the event that all proposals are rejected, the Borough reserves the right to re-solicit proposals.

All documents/information submitted in response to this solicitation shall be available to the general public as required by the New Jersey Open Public Records ACT N.J.S.A. 47:1a-1 et. seq. The Borough will not be responsible for any costs associated with the submission or presentation of the proposal.

### III. SERVICES SOUGHT: BANKING SERVICES

The intent of this Request for Proposals (RFP) and resulting contract is to obtain various banking services for the Borough of Mantoloking (The Borough). Banking institutions responding to this RFP should have extensive experience and a knowledgeable background and qualifications in the provision of the services described herein. Proposals shall include a description of the services, rates of interest, and other details in response to the minimum requirements set forth herein. Beyond these minimum requirements, banks are encouraged to include optional and/or supplemental proposals to the RFP that would enhance the Borough's ability to perform its banking functions. The Borough recognizes the expertise, creativity, and innovation that exists within the industry and encourages the industry to respond accordingly.

The banking institution selected as a result of this process shall, subject to the maintenance of services and standards as determined by the Borough, remain the principal bank for the Borough for a period of at least two (2) years from designation. At the conclusion of one (1) year's activity, the banking relationship and level of service will be reviewed, and the Borough's Chief Financial Officer may make a recommendation as to the need and/or merits of reconducting the RFP process.

The Borough recognizes the unique nature of banking relationships and the need to maintain our level of service. The Borough will be guided by these principles and seeks to establish a banking relationship that yields the highest level of service and interest, at the lowest administrative cost, with the greatest amount of flexibility. Proposals should ensure that no funds go uninvested for any period of time. Despite any language contained herein to the contrary, this RFP does not constitute a bid and is intended solely to obtain competitive proposals from which the Borough may choose a contractor(s) that best meet(s) the Borough's needs.

#### BACKGROUND INFORMATION

The Borough has a tax ratable base of \$1,545,955,400.00 and an annual budget of \$6,676,626.00. In addition, the Borough also maintains the requisite trust funds and other funds as required by the State of New Jersey.

The Borough's required banking services can be characterized as follows:

1. Typical business banking services (including positive pay)
2. Employee/consumer services
3. Trust services
4. Short-term investments (treasury bills) as allowed by New Jersey statute

The Borough's cash flow is generally regular and standardized. On the revenue side, the Borough collects the majority (approximately 95%) of its annual municipal budget revenue four (4) times per year, on February 1, May 1, August 1, and November 1. The balance of these funds are received over the course of the year.

The Borough anticipates accepting credit card payments for taxes and sewer.

The Borough maintains several types of interest-bearing accounts.

Transactions currently processed through these accounts are as follows. Note: The dollar values and/or quantities stated herein are given as a general guide; they are not guaranteed amounts, but they represent the best estimates of the Borough.

Total bank accounts of the Borough consist of approximately ten (10) accounts. Four (4) of these accounts support the day-to-day operations of the Borough. The most significant activity occurs in the accounts listed below.

**Current Account** – This is the primary checking account through which the Borough's expenditures and revenues are processed. Accounts payable disbursements average approximately \$450,000.00 per month, not including wire payments which average \$350,000.00 per month.

**Net Payroll Account** – This account is used for payroll, payroll taxes and deductions. All payroll with few exceptions will be Direct Deposit transactions. Payroll is semi-month with approximately 50 direct deposits transactions which are higher during the summer beach season.

There are five (5) trust accounts, one of which is a Developer's Escrow Account. Some of the trust accounts are required to be maintained by covenants contained in grant agreements that the Borough has with various state and federal agencies.

Other accounts of the Borough include various operating accounts for the Municipal Court and the Tax Collector's Office.

#### IV. SUBMISSIONS: Each proposal must contain:

1. Name and address of your bank and the corporate officer authorized to execute Agreements;
2. Briefly describe your bank's history, ownership, organizational structure, location of its management, and licenses to do business in the State of New Jersey;
3. Describe in general your bank's regional, statewide, and local service capabilities;
4. Provide and identify the names, experience, qualifications, and applicable licenses held by the individual(s) primarily responsible for servicing the Borough and any other person(s), whether as employees or subcontractors, with specialized skills that would be assigned to service the Borough;
5. Provide a listing of other local governmental clients with which you have similar contracts; include the name, address, and telephone number of the contact person;
6. Provide a statement of assurance to the effect that your bank is not currently in violation of any state or federal law.
7. The successful bank(s) must provide and maintain the following minimum limits of insurance coverage during the period of performance required under the contract resulting from this RFP:

- a) PROFESSIONAL LIABILITY  
\$5,000,000.00 error and omissions per occurrence
- b) WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY  
Statutory coverage for New Jersey  
\$100,000.00 employer's liability  
Broad-form all-states endorsements
- c) GENERAL LIABILITY  
\$5,000,000.00 general liability per occurrence. The Borough shall be named as additional insured with respect to general liability.
- d) AUTO LIABILITY  
\$1,000,000.00 per occurrence / \$1,000,000.00 aggregate. This coverage is required if the operation of any vehicle is required in the performance of the services detailed herein (including but not limited to the use of a vehicle to make any on-site visits).
- e) 5.5 CYBER SECURITY AND PRIVACY LIABILITY  
\$1,000,000.00 per occurrence
- f) TECHNOLOGY ERRORS AND OMISSIONS  
\$1,000,000.00 per occurrence
- g) ADDITIONAL COVERAGE

The successful banking institution shall provide any and all additional insurance coverages that may be usual and customary in the banking industry, with limits reasonably sufficient to cover all activities to be performed pursuant to this RFP and the resulting contract, including, but not limited to, armored car service. Prior to commencing work under contract, the successful bank(s) shall furnish the Borough with a certificate of insurance as evidence that it has procured the insurance coverage required herein. Banks must give the Borough a sixty-day notice of cancellation, nonrenewal, or change in insurance coverage.

#### h) INDEMNIFICATION

The selected bank(s) shall defend, indemnify, and hold harmless the Borough, its officers, agents, and employees from any and all claims and costs of any nature, whether for personal injury, property damage, or other liability arising out of or in any way connected with the bank's negligent acts or omissions under this agreement. Also, the selected bank(s) shall include the Borough as an additional insured on their respective policy(s).

#### FEES AND QUOTATION FORMAT

To facilitate the evaluation process, the banking institution is encouraged to organize its proposal into distinct sections that correspond with the specific banking/investment/accounting activities

described in the Scope of Services. In addition, each distinct section should be titled, and all proposals must address, at a minimum, the questions listed below:

1. What is the current rate of interest on checking, business savings, and money market accounts, as of the date of your response to this RFP?
2. Are these rates fixed? If not, what are the formulas for determining the variable rates of interest?
3. What is the balance used for interest calculations (i.e., collected, compensating, actual balance, etc.)?
4. What is the reserve requirement assessed against the average daily collected balance?
5. What is the clearing time on checks drawn on your bank? Other local banks and out of state banks?
6. By what time of day should deposits and/or wired investments be received to be transacted on that day?
7. Indicate the bank's charges, if any.
8. Indicate the bank's method for covering these fees (i.e., compensating balances, earnings credit, debit memo, etc.).
9. Describe your automated cash-management system that provides online computer and touch-tone service. Identify hardware requirements and security measures. What kind of hardware would the Borough need to implement an electronic service? Are there any system constraints that apply?
10. What provisions would be made to assure that all requirements of this proposal are met for the duration of the contract in the event of a takeover by another banking institution?
11. Please indicate startup costs, if any, the Borough will incur to convert to your bank.

Note: The Borough reserves the right to negotiate with any or all vendors meeting the evaluation criteria set forth herein. Negotiations will be conducted in accordance with the Borough's RFP policy.

## FACILITIES

This section should address these areas:

### 1. OFFICE / BRANCH LOCATIONS

- A. For your bank's facilities that are located in Northern Ocean or Southern Monmouth

County provide:

1. The location(s);
2. Hours of operation at your location(s);
3. Bank personnel assigned to this location(s);
4. The activities of the bank performed at this location(s);
5. Any proposed facilities to be constructed in Ocean County.

- B. For those facilities and activities located elsewhere, please explain the activities performed there and why they are best performed at a different office.

V. SELECTION: The Mayor and Council reserves the right to reject any or all proposals. Selection will be based on the following criteria, in order of rank:

1. Qualifications of the primary principal and support staff based on assessment of items outlined in the Submissions (Section IV).
2. General experience of the firm related to municipal financial services.
3. Fees to be charged on an hourly rate per staff member.

## **SCOPE OF SERVICES**

1. The Banking Services provider shall perform the following minimum duties, subject to the review and approval of the Mayor and Borough Council:
  - A. The banking institution must provide professional and reliable banking and related accounting services pursuant to the specifications contained herein.
  - B. All services shall be provided on an as-needed, if-needed basis to the sole satisfaction of the Borough.
  - C. The banking institution shall conduct all activities/services according to all applicable federal, state, and local laws, rules, and regulations for the duration of its relationship with the Borough. It is incumbent on the institution to be knowledgeable of all laws, regulations, and standards applicable to New Jersey municipal governments.
  - D. The institution must maintain all applicable federal, state and local government registrations and must remain in good standing with the State of New Jersey, as may be required by law or regulation.
  - E. The Borough reserves the right to terminate its banking relationship or agreements, or otherwise withdraw funds from any banking institution doing business with the Borough as a result of this Request for Proposal, at any time, for the convenience of the Borough, without penalty or recourse.
  - F. The Borough reserves the right to reject all proposals resulting from this RFP and/or to make partial awards if, in the judgment of the Borough, such partial awards would be in the best interest of the government.
  - G. Institutions submitting proposals must possess a current GUDPA certification.  
1.8 Institutions submitting proposals should provide their current capital requirements and a copy of their last fiscal audit.

**Respondents to this RFP should include, as part of the minimum standards, a description of their services available in and to this Borough. Specifically, the Borough would be interested in any special account structure that would ease accounting and reporting requirements.**

## 2. Minimum Qualifications

- A. The banking institution must provide professional and reliable banking and related accounting services pursuant to the specifications contained herein.
- B. All services shall be provided on an as-needed, if-needed basis to the sole satisfaction of the Borough.
- C. The banking institution shall conduct all activities/services according to all applicable federal, state, and local laws, rules, and regulations for the duration of its relationship with the Borough. It is incumbent on the institution to be knowledgeable of all laws, regulations, and standards applicable to New Jersey municipal governments.
- D. The institution must maintain all applicable federal, state and local government registration and must remain in good standing with the State of New Jersey, as may be required by law or regulation.
- E. The Borough reserves the right to terminate its banking relationship or agreements, or otherwise withdraw funds from any banking institution doing business with the Borough as a result of this Request for Proposal, at any time, for the convenience of the Borough, without penalty or recourse.
- F. The Borough reserves the right to reject all proposals resulting from this RFP and/or to make partial awards if, in the judgment of the Borough, such partial awards would be in the best interest of the government.
- G. Institutions submitting proposals must possess a current GUDPA certification.
- H. Institutions submitting proposals should provide their current capital requirements and a copy of their last fiscal audit.
- I. Respondents to this RFP should include, as part of the minimum standards, a description of their services available in and to this Borough. Specifically, the Borough would be interested in any special account structure that would ease accounting and reporting requirements.
- J. Provide armored car services for deposits on a Monday, Wednesday, Friday schedule to accommodate the 48-hour deposit statute of the State of New Jersey.
- K. Provide accommodations for electronic check deposits.

## 3. MINIMUM REQUIREMENT FOR ALL ACCOUNTS

- A. Provide a bank statement for each account as of the last business day of each month. Preference would be to have the ability to electronically access all bank statements. If that is not feasible, then these items should be delivered to the Borough's Chief Financial Officer's Office no later than the seventh day following the end of each month.
- B. Daily notification via email with hardcopy to follow of any debit or credit memos affecting our daily cash balances.

C. Electronic banking:

- View statements online with an ability to view history for a twelve-month period;
- View "real-time" activity for all bank accounts;
- Make transfers between all accounts online by Borough-designated individuals;
- Make one-time and recurring wire transfers (out) on-line, by Borough-designated individuals.

#### 4. ACCOUNT-SPECIFIC REQUIREMENTS

The Borough has broken out the services it requires into two major components: (A) Operating Accounts, and (B) Trust Accounts. It is up to each bank to determine how to package the costs of these services when responding to this request. The Borough's short-term investment activity is separate and distinct from these components.

##### A. OPERATING ACCOUNTS

The Borough maintains a number of accounts that are used for its day-to-day operating transactions. Please state in detail how you will provide each of the following services:

1. The Borough wishes to receive cleared checks on a Certified CD of checks paid, sorted numerically, with a duplicate courtesy copy sent to the Borough's auditors. If this is not possible, then checks must be sorted numerically and summarized by date paid, providing a detail record substantiating the "amount paid".
2. The bank must be able to submit electronic files to the Borough of paid items that can be run against check files to produce its own outstanding check list for all checking accounts.
  - A. The Borough will complete its own reconciliation of accounts.
  - B. Automatic redeposit of all NSF checks not to exceed two (2) attempts. Copies must be provided of all checks that do not clear.
  - C. The Borough requires checks, deposit slips, and micro-encoded lock bags.

**BOROUGH OF MANTOLOKING**

**CHECKLIST**

**SUBMISSION DATE:** \_\_\_\_\_  
(Date and Time)

The following items, as indicated below (x), shall be provided with receipt of sealed submissions:

Mandatory Equal Employment Opportunity Notice Acknowledgement – Exhibit A

Mandatory Equal Employment Opportunity Notice (N.J.S.A. 10:5-31 and N.J.A.C. 17:27 et seq.)

Civil Rights – Anti-discrimination (N.J.S.A. 10:2-1 et seq.)

American with Disabilities Act of 1990

Non-Collusion Affidavit \_\_\_\_\_

Disclosure of Ownership Form

Insurance of Requirement Acknowledgement Form

Professional Service Entity Information Form

Disclosure Investments Activities in Iran

Stockholder Disclosure Certification

Copy of Business Registration Certificate as issued by the State of New Jersey  
Department of Treasury, Division of Revenue

W-9 Form

Certificate of Employee Information Report (AA-302)

Acknowledgement of Addenda (if addenda issued)

**REMINDER – PLEASE SUBMIT ONE (1) ORIGINAL HARD COPY AND ONE (1) COPY IN PDF FILE FORMAT ON A FLASH DRIVE IN SEALED ENVELOPES MARKE WITH THE WITH THE TITLE OF THE RFP.**

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE  
N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

EXHIBIT A

GOODS, PROFESSIONAL SERVICES 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, or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, 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. 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 non-discrimination 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 or sex.

The contractor or subcontractor, 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 the contractor's commitments under this act 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 attempt in good faith to employ minority and female workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to 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, labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, 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 applicable 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, 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

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the Division 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 Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

NAME OF COMPANY: \_\_\_\_\_

PRINT

NAME:

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

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

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY NOTICE  
(N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.)

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

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

The successful professional service entity shall submit to the Borough of Mantoloking, after notification of award but prior to the execution of this contract, one of the following three documents as forms of evidence:

- (a) A photocopy of a valid letter that the vendor 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. 17:27-1.1 et seq.:  
OR
- (c) A photocopy of an Employee Information Report (Form AA302) provided by the Division of Contract Compliance and distributed to the Borough of Mantoloking to be completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Employee Information Report (AA302) from the State of New Jersey.

The successful professional service entities must submit the white and canary copies of the AA302 (Employee Information Report) to the division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The pink *Public Agency* copy is submitted to the Borough of Mantoloking, and the gold *Vendor* copy is retained by the professional service entity.

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

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

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

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

**PRINT NAME:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## Title 10 - CIVIL RIGHTS

### 10:2-1 Antidiscrimination provisions.

10:2-1. Antidiscrimination provisions. Every contract for or on behalf of the State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees that:

A. In the hiring of persons for the performance of work under this contract or any subcontract hereunder, or for the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under this contract, no contractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex, discriminate against any person who is qualified and available to perform the work to which the employment relates:

B. No contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee engaged in the performance of work under this contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under such contract, on account of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex;

C. There may be deducted from the amount payable to the contractor by the contracting public agency, under this contract, a penalty of \$50.00 for each person for each calendar day during which such person is discriminated against or intimidated in violation of the provisions of the contract; and

D. This contract may be canceled or terminated by the contracting public agency, and all money due or to become due hereunder may be forfeited, for any violation of this section of the contract occurring after notice to the contractor from the contracting public agency of any prior violation of this section of the contract.

No provision in this section shall be construed to prevent a board of education from designating that a contract, subcontract or other means of procurement of goods, services, equipment or construction shall be awarded to a small business enterprise, minority business enterprise or a women's business enterprise pursuant to P.L. 1985, c. 490 (C. 18A:18A-51 et seq.).

Amended 1945, c. 171; 1962, c. 213; 1970, c. 80, s. 7; 1985, c. 490, s. 9; 1988, c. 37, s. 8; 1991, c. 519, s. 10; 2006, c. 100, s. 1.

PRINT NAME \_\_\_\_\_

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

COMPANY NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

## BOROUGH OF MANTOLOKING

### AMERICANS WITH DISABILITIES ACT OF 1990 EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITY

The CONTRACTOR and the BOROUGH OF MANTOLOKING (herein referred to as the Borough) do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. 512101 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 thereto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the BOROUGH pursuant to this contract, the CONTRACTOR agrees that the performance shall be in strict compliance with the Act. In the event 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 BOROUGH in any action or administrative proceeding commenced pursuant to this Act. The CONTRACTOR shall indemnify, protect, and save harmless the BOROUGH, 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 BOROUGH'S grievance procedure, the CONTRACTOR agrees to abide by any decision of the BOROUGH, which is rendered pursuant to, said grievance procedure. If any action or administrative proceeding results in an award of damages against the BOROUGH or if the BOROUGH 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 BOROUGH 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 BOROUGH or any of its agents, servants, and employees, the BOROUGH shall expeditiously forward or have forwarded to the CONTRACTOR every demand, complaint, notice, summons, pleading, or other process received by the BOROUGH or its representatives.

It is expressly agreed and understood that any approval by the BOROUGH 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 BOROUGH pursuant to this paragraph.

It is further agreed and understood that the BOROUGH 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 BOROUGH from taking any other actions available to it under any other provisions of this Agreement or otherwise at law.

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

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

TITLE: \_\_\_\_\_

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

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

**BOROUGH OF MANTOLOKING**  
**NON-COLLUSION AFFIDAVIT**

STATE OF NEW JERSEY;  
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 \_\_\_\_\_  
of the firm of \_\_\_\_\_  
the Professional Service Entity making the submission for the above named Service, and that I executed  
the said submission with full authority to do so; that said Professional Service Entity has not, directly or  
indirectly, entered into any agreements, participated in any collusion, or otherwise taken any action in  
restraint of fair and open competition in connection with the above named Service; and that all statements  
contained in said submission and in this affidavit are true and correct, and made with full knowledge that  
the Borough of Mantoloking relies upon the truth of the statements contained in said submission and in the  
statements contained in this affidavit in awarding the contract for said Service.

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

\_\_\_\_\_  
Name of Professional Service Entity

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

\_\_\_\_\_  
(Signature of Professional)

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
(Type or Print Name of Affiant and Title, under  
signature)

BOROUGH OF MANTOLOKING

DISCLOSURE OF OWNERSHIP FORM

N.J.S.A. 52:25-24.2 reads in part that "no corporation or partnership shall be awarded any contract by the State, County, Municipality or School District, or any subsidiary or agency thereof, unless prior to the receipt of the submission of the corporation or partnership, there is provided to the public contracting unit a statement setting forth the names and addresses of all individuals who own 10% or more of the stock or interest in the corporation or partnership."

1. If the professional service entity is a *partnership*, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
2. If the professional service entity is a *corporation*, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock of any class.
3. If a corporation owns all or part of the stock of the corporation or partnership providing the submission, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.
4. If the professional service entity is other than a corporation or partnership, the contractor shall indicate the form of corporate ownership as listed below.

COMPLETE ONE OF THE FOLLOWING STATEMENTS:

- I. Stockholders or Partners owning 10% or more of the company providing the submission:

NAME:

ADDRESS:

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

- II. No Stockholder or Partner owns 10% or more of the company providing this submission:

SIGNATURE:

DATE:

- III. Submission is being provided by an individual who operates as a sole proprietorship:

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

- IV. Submission is being provided by a corporation or partnership that operates as a (check one of the following):

\_\_\_\_\_ Limited Partnership

\_\_\_\_\_ Limited Liability Corporation

\_\_\_\_\_ Limited Liability Partnership

\_\_\_\_\_ Subchapter S Corporation

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

BOROUGH OF MANTOLOKING

INSURANCE REQUIREMENTS AND ACKNOWLEDGEMENT FORM

Certificate(s) of Insurance shall be filed with the Borough Clerk's office upon award of the contract by the Borough Council within 30 days of the award.

The minimum amount of insurance to be carried by the Professional Service Entity shall be as follows:

PROFESSIONAL LIABILITY INSURANCE

Limits shall be a minimum of \$1,000,000.00 for each claim and \$1,000,000.00 aggregate each policy period.

ACKNOWLEDGEMENT OF INSURANCE REQUIREMENT.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name and Title)

BOROUGH OF MANTOLOKING  
PROFESSIONAL SERVICE ENTITY INFORMATION  
FORM

If the Professional Service Entity is an *INDIVIDUAL*, sign name and provide the following information:

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

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

Telephone No.: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_

If the individual has a *TRADE NAME*, give such trade name:

Trading as: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

.....

If the professional Service Entity is a *PARTNERSHIP, CORPORATION OR LIMITED LIABILITY COMPANY*, please provide the following information:

Name of Partners: \_\_\_\_\_

Firm Name: \_\_\_\_\_

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

Telephone No.: \_\_\_\_\_ Federal ID No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Social Security No.: \_\_\_\_\_

Signature of Authorized Agent: \_\_\_\_\_

.....

If the Professional Service Entity is *INCORPORATED*, please provide the following information:

State under whose laws incorporated: \_\_\_\_\_

Location of Principal Office: \_\_\_\_\_

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

Federal ID No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

E-mail: \_\_\_\_\_

Name of Agent in Charge of said office upon whom notice may be legally served: \_\_\_\_\_

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

Name of Corporation: \_\_\_\_\_

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

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

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

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

STATE OF NEW JERSEY -DIVISION OF PURCHASE AND PROPERTY  
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

REPORT OF BIDDING

PART 1: CERTIFICATION

BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.  
FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE PROPOSAL NON-  
RESPONSIVE.

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive. If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

PLEASE CHECK THE APPROPRIATE BOX

D 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

D 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.

Disclosure of Investment Activities in Iran (cont'd)

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, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON

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

Certification: I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge that I am authorized to execute this certification on behalf of the bidder; that the State of New Jersey is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the information contained herein; 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 am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): \_\_\_\_\_ Signature: \_\_\_\_\_  
Do Not Enter PIN as a Signature

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