

**BOROUGH OF GIBBSBORO
CAMDEN COUNTY
NEW JERSEY**

GENERAL BANKING SERVICES

Project Name: General Banking Services

Date Packet Available: October 19, 2015

Proposal Due By: November 19, 2015 by 3:00 p.m.

Proposal Submitted By: _____

**REQUEST FOR PROPOSAL
GENERAL BANKING SERVICES**

NOTICE IS HEREBY GIVEN that proposals and qualifications are being solicited by the Borough of Gibbsboro to obtain “General Banking Services” services as described herein for the Borough of Gibbsboro. Individuals responding to this Request for Proposal should have extensive experience, a knowledgeable background and qualifications in the provision of the services described herein.

The RFP package for this service is available online at www.GibbsboroTownHall.com and in the Office of the Borough Clerk, Borough of Gibbsboro, 49 Kirkwood Road, Gibbsboro, NJ 08026 during regular business hours (9:00 am to 4:00 pm Mondays-Thursdays, additional hours on Tuesday from 5:00 – 8:00 p.m. and 9:00 to noon on Fridays).

Interested respondents shall submit one (1) original; and eight (8) bound copies of their proposal and one (1) additional unbound copy for further copying (if necessary).

The Borough requires that the RFP response be submitted by **Thursday, November 19 by 3:00 p.m.** in the Office of the Administrator. There will be a public reading of the names and respective cost proposals at 3:00 p.m. on Thursday, November 19, 2015.

Anne D. Levy
Borough Clerk/Administrator

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SPECIFICATIONS AND PROPOSAL FOR GENERAL BANKING SERVICES FOR THE BOROUGH OF GIBBSBORO

Intent: The Borough of Gibbsboro is issuing a Request for Proposals (RFP) to financial institutions to provide primary banking services.

The Borough proposes a contract term of three years with either party having the option to terminate the contract with ninety (90) days written notice of its intention to terminate. The estimated effective date of this agreement is January 1, 2016.

Please submit the completed RFP form included in this communication, along with any additional information regarding services the financial institution offers to municipal governments.

I. Terms of the banking agreement:

1. The financial institution must be fully qualified as a “Public Depository” pursuant to the State of New Jersey Government Unit Depository Protection Act and must continue to be such during the three (3) year contract period.
2. The Borough reserves the right to hold oral discussions with all proposers prior to selections.
3. By submitting a proposal, the proposer certifies that he or she has fully read and understands the RFP and has full knowledge of the scope, nature, quantity and quality of the work to be performed.
4. The proposer shall furnish such additional information as the Borough may reasonably require. The Borough reserves the right to make reasonable inquiries of the qualifications of the proposer, as it deems appropriate.
5. The Borough reserves the right to reject any/or all proposals, and the right to accept the proposal that it considers most favorable to the Borough’s interests. In addition, the Borough reserves the right to seek new proposals when such a procedure is in its best interests to do so.

II. Required Services for Responding Financial Institutions:

1. Monthly statements will be available online for printing the next business day following the end of each month. The Borough does not expect to grant more than four (4) system users to the online banking services.
2. Interest paid on all accounts.
3. Next business day availability for deposited checks.

4. Availability of sweep accounts and corresponding interest rates. The interest on seven (7) of the accounts listed in Section IV will be posted in the appropriate account and then swept to the Current Operating Account on the last day of each month.
5. Monthly account analysis, detailing all fees and charges as well as earnings credit.
6. Web based computer banking (Real Time) allowing access to banking services such as; book transfers, wire transfers, statements etc. A demonstration of this service may be requested by the Borough.

III. Please respond to the following questions:

1. The proposer must denote transaction cut off for deposits to be considered received that day and not carried forward to the next day. Indicate cut off time at branches and the financial institution's main office.
2. The Borough requires a bank office in a convenient location where it can transact business.
3. Please state the location of this bank or branch and list the number of bank branches within a seven-mile radius of the Borough.
4. What are the financial institution's check printing costs per thousand checks (laser format)? What is the cost for manual checks and checkbooks? The Borough will need manual checks and checkbooks for eight (8) accounts. The Borough would like the cost of the checks for laser printing (per thousand) as well as the manual checks and checkbooks so that outsourcing the purchase of both types of checks can be considered.
5. In order to maximize the yield on idle Borough funds, a sweep account may be requested. The amount of this investment will vary. The Borough welcomes any methods recommended by the proposer on the daily investment of idle funds; however, any of these proposed methods should be described in detail and must have the interest rate tied to an effective index rate.
6. Please denote if a minimum balance is required. If so, what is the penalty for falling below the minimum balance?
7. Do you have professional staff dedicated to municipal financing and municipal debt financing? Please list the principal members of that Department and their location.
8. The Borough is considering implementing Edmunds & Associates "Web Inquiry and Payment Portal (WIPP)" function which would allow for secured payments (credit cards, debit cards and electronic checks) to be processed through FIS Global. Does your bank have experience with this? Do you anticipate any problems should the Borough decide to implement this?

9. Currently the Borough of Gibbsboro has a police officer act as the carrier for the daily deposit. If the financial institution is not located in Gibbsboro, how will you handle the deposits and the coin collection? Ideally the Borough would like to have daily courier service provided by the financial institution, but no less than three times per week (Monday, Wednesday and Friday). The Borough may be willing to use a remote deposit scanner for check deposits provided that there would be no fees associated with its use. Additionally, cash deposits would still require transporting directly to the financial institution.

IV. General Information:

The Borough maintains accounts as listed below.

- The total property tax levy for fiscal year 2014 was approximately \$1.9 million.
- All tax collections and other receipts are deposited into the Current Fund Account.
- The Current Operating Budget for 2014 was approximately \$3 million.
- The Borough issues approximately 1,700 checks annually from the checking accounts listed below:
 1. Affordable Housing Account
 2. Clearing Account*
 3. Clerk's Account*
 4. Construction Account*
 5. Court Bail Account
 6. Court Regular Account
 7. Current Account*
 8. Dog Trust Account
 9. Fire Safety Account
 10. General Capital Account
 11. Life Hazard Account
 12. Municipal Open Space Trust Account
 13. Payroll Account*
 14. Sewer Capital Account
 15. Sewer Operating Account
 16. Tax Collector Account*
 17. Tax Redemption Account*
 18. Trust Account
 19. Municipal Open Space, Recreation & Farmland Trust

**As stated in Section II Item #4, interest to be swept to Current Operating Account at month-end.*

- The Borough pays approximately 12 to 15 employees (police officers, crossing guards, public works employees and library director) every other week. This payroll averages \$17,400. The remaining employees are paid bi-monthly basis on the 15th and

30th of the month. The bi-monthly payroll averages \$14,900. If either of these scheduled pay days fall on a weekend or holiday, then the pay checks are issued the preceding business day. At this time, the Borough does not offer direct deposit to its employees but would like to do so in the future. If direct deposit were to be offered, paychecks would need to be automatically deposited to possibly as many as 20 different financial institutions. These funds would need to be made available to employees no later than 8:00 a.m. on the scheduled pay day. If implemented, the Borough would provide direct deposit information to its bank, preferably through the bank's online system. The bank would need to be capable of processing the file with as little as 24 hours to meet pay day deadlines.

- The Borough currently accepts payment for court fines by credit card on-line and may expand that service for the payment of property taxes and utility bills in the future as stated in Section III Item 9.

V. Cost Proposal:

1. The cost proposals submitted to the Borough must be all inclusive. All services not mentioned or general services incidental to the operations of accounts maintained by the Borough and not addressed are expected to be provided at no additional costs.

The Borough reserves the right to accept the proposals for all types of services from the same financial institution or split the services among different financial institutions if it's in the best interest of the Borough to do so.

In order to simplify and standardize all proposals, the "Banking Services Fee Proposal Form & Estimated Monthly Cost Composite Analysis" (Exhibit A) must be completed with the submitted proposal.

Assume the activity estimates referred to throughout this document to be a reasonable estimate of activity to be experienced. The rates quoted per item by the proposer will be considered fixed, regardless of activity deviation. The Borough does not guarantee any minimum or maximum volume of activity.

2. Indicate the financial institution's per item processing fees paid by the Borough and revenues to be paid to the Borough by completing the "Banking Services Fee Proposal Form & Estimated Monthly Cost Composite Analysis." The fees should be presented on a unit cost basis. The proposer shall identify any specific services, which are not included in the analysis which may be subject to fees or charges payable by the Borough. Include such services in the line "Charges for All Other Services as Required" on Page 1 of Exhibit A. Use a separate page to list the services.

VI. Information Requested of the Proposer (including mandatory forms):

Please organize your proposals in the following manner:

1. Title page: Show name of the institution, address, telephone, email address and fax numbers, name of contact person and the date the proposal was submitted to the Borough.
2. Table of Contents: Include a clear identification of the material by section and page number.
3. Letter of Transmittal: The letter is not to exceed two pages in length and should contain the following information:
 - a. State the proposer's understanding of the scope of the service to be performed.
 - b. Indicate whether proposer is a parent or subsidiary associated with a holding company and describe its relationship to other in the group, if applicable.
 - c. Financial reports for the previous two years. (Please include as an attachment at the end of your proposal.)
 - d. Current financial rating as issued by Moody's, Standard and Poor's and or Fitch.
 - e. State if the proposer is chartered to do business in the State of New Jersey and attach a Governmental Unit Depository Protection Act certification of eligibility.
 - f. List of references with contact's organization, name, title, address and phone number.

VII. Summary of Financial Institution's Qualifications:

1. Indicate the institution's background in providing banking services to municipal units of government, in general, and specifically, to municipalities the size of the Borough of Gibbsboro. Provide a listing of municipal client references that are presently using the institution's professional services – i.e., the client name, address, telephone number and contact person.
2. Provide a completed "Banking Services Fee Proposal Form & Estimated Monthly Composite Analysis" (Exhibit A) with responses to all identified services. The form may be expanded to include items which the Borough did not identify, whether it is a chargeable item/service or not.
3. Please provide any other material that may be helpful in reviewing the proposal, including any attachments, schedules, financial information, etc.

VIII. Evaluation of Proposals:

The contract will be awarded to the proposer providing the primary banking services at the lowest net cost and who meets the needs of the Borough most efficiently, provided the price is reasonable and is in the best interest of the Borough to accept it.

The following criteria will be used to evaluate the proposals.

1. Responsiveness of the proposal related to the scope of the work.
2. Ability, capacity and skill of the financial institution to perform the services on a timely basis.
3. Responses of client references.
4. Experience of the financial institution in establishing and maintaining similar accounts.
5. Best arrangement and rate for earnings allowance.
6. The sufficiency of financial resources and ability of the institution to perform the contract.
7. The reputation, stability and longevity of the proposer.
8. The quality, availability and adaptability of the services to the particular need required.
9. Physical proximity of the banking location (local branch) to the Borough's municipal building.

IX. Additional information:

1. Any questions relative to interpretation of specifications or the RFP process should be directed to the Chief Financial Officer of the Borough.
2. Three (3) months of bank statements are available upon request.

Please direct inquiries to:

Deborah Jackson
Chief Financial Officer
Borough of Gibbsboro
Email: cfo@gibbsborotownhall.com with a copy of the email to
deputyclerk@gibbsborotownhall.com
Fax: 856-782-8694

X. Receipt of Proposal:

Insert one (1) original and eight unbound copies of the proposal and one (1) additional unbound copy for further copying (if necessary) in a sealed envelope marked "General Banking Services for the Borough of Gibbsboro." The submission for your institution must be received in the Office of the Borough Clerk, 49 Kirkwood Road, Gibbsboro, NJ

08026 no later than 3:00 p.m. on Thursday, November 19, 2015.

All proposals submitted shall be binding for ninety (90) calendar days following the above due date.

Proposals received by the Borough after the time specified will not be considered.

All information required by the RFP must be supplied to constitute a valid proposal.

The Chief Financial Officer will review and evaluate all proposals submitted in response to the RFP. Based on the results of this evaluation, the Chief Financial Officer will make a recommendation to the Borough Council. A contract will be executed upon the approval of Mayor and Council.

XI. Proposer's Warranty:

The person signing the proposal warrants that:

1. He or she is an officer of the organization.
2. He or she has been specifically authorized to offer a proposal in full compliance with all requirements and conditions as set forth in the RFP.

RFP DOCUMENT CHECKLIST

Submission Requirement	RFP Page Number	Initial each checked entry and submit required form, if necessary
Banked Services Fee Proposal Form & Estimated Monthly Composite Analysis	11-12	
Valid “Notification of Eligibility” Under the Governmental Unit Deposit Protection Act		
C. 271 Political Disclosure Form	15	
Statement of Corporate Ownership pursuant to N.J.S.A. 52:25-24.2 (Stockholder Disclosure Certification)	18	
Business Entity Disclosure Certification	19	
Signed Acknowledgement of Affirmative Action Notice	23	
New Jersey “Business Registration Certificate” Form		
Federal W-9 Form		
Non-Collusion Affidavit	27	
Disclosure of Investment Activities in Iran, pursuant to P.L. 2012, c. 25	28	
Financial Reports for the previous two (2) years	Requested on page 8	
Current Financial Rating as issued by Moody’s Standard and Poor and/or Fitch	Requested on page 8	
List of References	Requested on page 8	

**BANKING SERVICES FEE PROPOSAL FORM &
ESTIMATED MONTHLY COMPOSITE ANALYSIS
EXHIBIT A**

BANK: _____

Signature: _____

Print Name: _____

Title: _____

Address: _____

Phone: _____ Fax: _____

**The two pages of
Exhibit A must
be completed and
submitted with
your proposal.**

Item	Monthly Volume	Unit Cost	Monthly Total
Monthly Maintenance Charge All Accounts	19		
Incoming Wire Transfers (includes internal transfers between accounts)	10		
Outgoing Wire Transfers (includes internal transfers between accounts)	18		
ACH Transactions	30		
Deposits Each	220		
Deposited Items	2,000		
Check Processing	145		
Stop Payments	1		
Full Account Reconciliation	0		
Re-deposited Items	1		
Deposited Item Charged Back	3		
Sweep Account Fee			
2-Part Deposit Slips	250		
Direct Deposit Fee			
*Charges for all Other Services as Required			
TOTAL MONTHLY COST			
**Rate of Interest on Checking Account			
Credit deposit within (business days)			

Please use rates in effect for 2015

1. Monthly Compensating Balance Requirements;

Standard Banking Services (offset page 10-1) _____

Total Monthly Compensating Balance Requirement _____

2. Interest Earning Potential on available Cash

Assumed amount of available cash - \$4,000,000

Less: Total Compensating Balance (line 1) _____

Required Reserve Balance _____

Float (check clearing) _____

Available Cash Subject to Interest _____

Interest Rate Applied to Available Cash _____%

3. Projected Monthly Interest Earnings _____

* This is an approximate figure for all accounts combined. The actual figure will vary somewhat up or down. In order that all proposals be standardized, please use this assumed figure.

THIS PROPOSAL SHALL BE ACCOMPANIED BY A VALID “NOTIFICATION OF ELIGIBILITY” UNDER THE GOVERNMENTAL UNIT DEPOSIT PROTECTION ACT.

FAILURE TO COMPLY MAY BE CAUSE FOR REJECTION OF PROPOSAL.

*Attach additional sheet if required and detail other charges.

**Indicate method of determining the rate of interest and frequency of change in rate.

Please add any services that may be provided but which will not be part of the evaluation process.

BOROUGH OF GIBBSBORO

C.271 POLITICAL CONTRIBUTION DISCLOSURE FORM - Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - of the public entity awarding the contract
 - of that county in which that public entity is located
 - of another public entity within that county
 - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to

which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor's submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

* N.J.S.A. 19:44A-3(s): "The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures."

List of Agencies with Elected Officials Required for Political Contribution Disclosure

N.J.S.A. 19:44A-20.26

County Name: CAMDEN COUNTY

State: Governor, and Legislative Leadership Committees

Legislative District #s: 4, 5, 6 & 7

State Senator and two members of the General Assembly per district.

County:

Freeholders

County Clerk

County Executive

Sheriff

Surrogate

Municipalities (Mayor and members of governing body, regardless of title):

BOROUGH OF GIBBSBORO

STOCKHOLDER DISCLOSURE CERTIFICATION

Name of Business:

- I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.
- OR**
- I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

- | | | |
|---|--|--|
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation | <input type="checkbox"/> Sole Proprietorship |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Limited Liability Corporation | <input type="checkbox"/> Limited Liability Partnership |
| <input type="checkbox"/> Subchapter S Corporation | | |

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:

Subscribed and sworn before me this ____ day of _____, 2__.	_____ (Affiant)
(Notary Public)	_____ (Print name & title of affiant)
My Commission expires:	

BOROUGH OF GIBBSBORO

**BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS**

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

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the _____ (*name of business entity*) has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding October 19, 2015 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the *Borough of Gibbsboro* as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Part II – Ownership Disclosure Certification

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

Check the box that represents the type of business entity:

- | | | |
|---|--|--|
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation | <input type="checkbox"/> Sole Proprietorship |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Limited Liability Corporation | <input type="checkbox"/> Limited Liability Partnership |
| <input type="checkbox"/> Subchapter S Corporation | | |

Name of Stock or Shareholder	Home Address

Part 3 – Signature and Attestation:

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

Name of Business Entity: _____

Signature of Affiant: _____

Title: _____

Printed Name of Affiant : _____ Date: _____

Subscribed and sworn before me this ____ day of _____, 2____.

(Witnessed or attested by)

My Commission expires:

(Seal)

BOROUGH OF GIBBSBORO

**BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS**

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

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

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

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

6. As used in sections 2 through 12 of this act: “business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction; “interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

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



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

19:44A-3 Definitions. In pertinent part...

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

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

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

same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

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

While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions: “The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 AND N.J.A.C. 17:27

GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)

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

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

- (a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter); OR
- (b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4; OR
- (c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

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

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

COMPANY: _____ SIGNATURE: _____

PRINT NAME: _____ TITLE: _____

DATE: _____

P.L. 1975. C. 127 (N.J.A.C. 17:27)

MANDATORY AFFIRMATIVE ACTION LANGUAGE

PROCUREMENT, PROFESSIONAL AND 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, nation 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 for the 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 of 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 make good faith efforts to employ minority and women 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 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 an

court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the 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, and conform with the applicable Federal law and consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal court decisions.

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO 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 Contract Compliance and EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code NJAC 17:27.**

BOROUGH OF GIBBSBORO

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

The contractor and the Borough of Gibbsboro, (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.* 5121 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.

BOROUGH OF GIBBSBORO

DISCLOSURE OF INVESTMENTS IN IRAN

In accordance with 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 EITHER SPACE:

_____ I certify, pursuant to Public Law 2012, c. 25, that neither the person/entity listed below nor any of the entity's parents, subsidiaries, or affiliates is listed on the NJ 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 below, or I am an officer or representative of the entity listed below and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification

OR

_____ I am unable to certify as above because I or the bidding entity and/or one of 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, 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.

PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, USE ADDITIONAL PAGES.

Name: _____ Relationship to Bidder/Vendor: _____

Description of Activities:

Duration of Engagement: _____ Anticipated Cessation Date: _____

Bidder/Vendor _____

Contact Name _____ Contact Phone Number: _____

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 below-referenced person or entity. I acknowledge that the _____ (CONTRACTING AGENCY) 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 contracts with _____ (CONTRACTING AGENCY) to notify the _____ (CONTRACTING AGENCY) in writing any changes to the answers of information contained herein. IO that if 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 _____ (CONTRACTING AGENCY) and that the contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____ Signature: _____

Title: _____ Date: _____

Bidder/Vendor: _____