

Request for Quotations New Jersey State Library

Evaluation of New Jersey's
Five-Year LSTA Plan



An affiliate of Thomas Edison State University

**New Jersey State Library
PO Box 520
Trenton, NJ 08625
Phone: 609-278-2640**

Request For Quotations

Evaluation Of New Jersey’s Five-Year LSTA Plan

Purpose of the Evaluation:

Section 9134 (c) of the Institute of Museum and Library Services’ (IMLS) authorizing legislation directs State Library Administrative Agencies (SLAAs) to “independently evaluate, and report to the Director regarding, the activities assisted under this subchapter, prior to the end of the five-year plan.” The New Jersey State Library (NJSL) is soliciting quotations for consultant services to conduct an independent evaluation of its 2023–2027 Five-Year Plan. The selected contractor must have demonstrated expertise in program evaluation and prior experience with Library Services and Technology Act (LSTA) Five-Year Plan assessments. The evaluation is due to IMLS by March 30, 2027.

Evaluation of the Current Five-Year LSTA Plan (2023-2027):

The evaluation must comply with IMLS guidelines and provide actionable insight into the progress and impact of LSTA-funded programs and initiatives. It should support NJSL in assessing outcomes, demonstrating accountability for federal funds, and measuring progress toward improving library services for New Jersey residents. Proposers may reference NJSL’s 2018–2022 LSTA Five-Year Evaluation Report: <https://www.njstatelib.org/wp-content/uploads/2022/05/NJSL-2018-2022-Five-Year-Evaluation-Report-March-2022.pdf>

Criteria for evaluation project

For evaluation of the current LSTA five- year plan for New Jersey 2023-2027, please see the online copy: https://www.njstatelib.org/wp-content/uploads/2022/08/NJSL-LSTA-Strategic-Plan-2023-2027_062722.pdf

We request that the following services be included in the proposal:

- Development and completion of the evaluation using the exact format prescribed in the Guidelines for IMLS Grants to States Five- Year Evaluation.
https://www.imls.gov/sites/default/files/2022-12/2023-2027_fiveyearevaluationguidelines.pdf
A copy of these guidelines is included in Appendix I.
- An evaluation process that includes:
 - Documentation of evaluation methodologies
 - Input from NJSL staff and external stakeholders about information regarding progress made and achievements of activities as relates to each goal in the current LSTA five- year plan. Other information-gathering activities and methodologies may be proposed to obtain this input, though the bid proposal should include the following, including related costs, as options:
 - Remote facilitation via an online meeting/video platform. Please include a cost per virtual session up to the number of sessions for the following:
 - Targeted focus group feedback sessions
maximum of three (3) total sessions no more than two (2) hours in duration per session
 - Individual interview sessions with NJSL staff and administration
maximum of ten (10) total sessions no more than one (1) hour in duration per session.
 - One online survey for the groups and audiences who were targeted and impacted by activities and efforts to achieve the plan’s goals.

- The evaluation should draw on data from multiple sources, including LSTA State Program Reports, the Public Libraries Survey, the New Jersey State Library Annual Report, and other relevant datasets. Findings from this evaluation should also help shape the development of the next five-year plan.
- Scheduled bi-weekly check-ins with NJSL staff through a point person via email, phone and/or virtual meetings
- Project management and coordination of evaluation activities to meet project timeline expectations.
- Provide a one-page, high-level summary of key findings and recommendations. Summary shall include visual elements.
- Summary document shall acknowledge IMLS support and conform to IMLS Acknowledgement Requirements <https://www.imls.gov/grants/manage-your-award/grantee-communications-kit/imls-acknowledgement-requirements>.
- Presentation of the final evaluation report to NJSL staff.

Required Appendices to final report

- List of acronyms
- List of people or groups interviewed
- Bibliography of all documents reviewed
- Copies of any research instruments used for surveying, interviewing and/or use of focus groups

Optional Appendices may include but are not limited to

- Output of statistical findings
- Summaries of coding used in any qualitative analyses

One electronic copy of the draft evaluation report in MS Word format must be submitted to NJSL by **February 1, 2027**. The final report as a PDF file must be submitted to NJSL no later than **February 26, 2027**.

NJSL adheres to the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standard for its website and all resources provided to New Jersey residents. Evaluators must demonstrate that their proposed products and services conform to, at minimum, WCAG 2.1 Level AA standards and commit to promptly identifying and remediating any accessibility barriers discovered through user feedback, testing, or formal accessibility audits.

Submitting a response

Submit a response that includes the following information:

1. Proposed evaluation plan

Submit a detailed proposal describing your evaluation and project management approach. In addition to outlining what you will do, explain the rationale behind your methods and your overall evaluation philosophy. Include a timeline of activities, assigned personnel, deliverables with due dates, and a clear budget that links costs to specific tasks and phases.

A timeline with major project deliverables

- Project work to commence by August 1, 2026
- Initial evaluation report draft to be submitted to NJSL by February 1, 2027
- Final evaluation report to be submitted to NJSL by February 26, 2027

2. Qualifications of evaluator(s)

- A list of key personnel and their qualifications. This may include resumes or a CV
- A list of projects that demonstrate expert-level knowledge and experience evaluating and developing large-scale strategic plans
- A description of experience with Library Services and Technology Act projects
- Contact information of at least three references from related projects

3. Completed Appendix II, New Jersey State Library RFP/RFQ Forms

If your organization has a New Jersey Business Registration Certificate (NJBRC), please include a copy with your proposal. If you do not have a NJBRC, a statement noting that you will register to do business with the State of New Jersey upon award of the engagement will suffice. Please note that the execution of a contract for services is contingent upon being registered in good standing with the State of New Jersey.

Pre-Quotation Questions and Answers

The State Library will accept questions about this RFQ by email through June 16, 2026 Please submit to Maura Walsh, Grants Manager & LSTA Coordinator, mwalsh@njstatelib.org and put “LSTA evaluation RFQ” in the subject line.

All questions will be responded to via email on June 22, 2026 A summary of all questions and answers will also be sent to all prospective bidders. Please provide company name, address, phone number and contact person name and email address when submitting questions.

Proposal Submission

Complete responses must be submitted electronically to Sheri Shafer, Chief Operating Officer, at sshafer@njstatelib.org with “RFQ response LSTA evaluation” as the subject line. Responses must be received by 5:00 pm, June 30, 2026. The burden of proof for on-time submission is on the bidder. Incomplete responses may not be evaluated.

The State Library reserves the right to waive any informalities in or to accept or reject any/or all bids, as may be deemed in its best interest. Bidders are required to comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27).

Open Public Records: Subsequent to bid opening, all information submitted by a Bidder in the proposal is considered public information, except as may be exempted from public disclosure by the Open Public Records Act, N.J.S.A 47:1A-1 et seq., and common law. A Bidder may alert us to specific information in its proposal that they feel is not subject to disclosure when the Bidder has a good faith legal/factual basis for such assertion. The New Jersey State Library reserves the right to make the determination and will advise the Bidder accordingly. The location in the proposal of any such designation should be clearly stated in a cover letter along with the reason why that section is exempt from disclosure. NJSL will not honor any attempt by a Bidder, either to designate its entire proposal as proprietary, and/or to claim copyright protection for its entire proposal.

Negotiation and Best and Final Offer (BAFO)

Following the review and scoring of bid proposals, the State Library may, pursuant to N.J.S.A. 52:34-12(f), negotiate one or more of the following contractual issues: the technical services offered, the terms and conditions and/or the price of a proposed contract award with any bidder, and/or solicit a Best and Final Offer (BAFO) from one or more bidders.

Clarification discussions may, at NJSL's sole option, be conducted with bidders who submit Quotations determined to be acceptable and competitive. Bidders shall be accorded fair and equal treatment with respect to the opportunity for discussion of Quotations. Revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting these discussions, there will be no disclosure of any information derived from Quotations submitted by competing bidders.

In response to NJSL's request for a BAFO, bidders may submit a revised price proposal that is equal to or lower in price than their original submission but must continue to satisfy all mandatory requirements. Any revised price proposal that is higher in price than the original will be rejected as non-responsive and the original bid will be used for any further evaluation purposes.

The anticipated contract term is August 1, 2026 – March 30, 2027

Any award is contingent upon the successful negotiation of final contract terms and upon approval of the Board of Trustees of Thomas Edison State University, when required. The New Jersey Open Public Records Act, N.J.S.A. 47:1A-1.1 et seq. shall govern the release of any document received by NJSL.

Quotations are kept confidential until a contract is awarded.

Appendix I
New Jersey State Library
GUIDELINES FOR IMLS GRANTS TO STATES
FIVE-YEAR EVALUATION



An affiliate of Thomas Edison State University

New Jersey State Library
PO Box 520
Trenton, NJ 08625
Phone: 609-278-2640

GUIDELINES FOR IMLS GRANTS TO STATES FIVE-YEAR EVALUATION

Purpose of the Evaluation

Section 9134 (c) of IMLS' authorizing legislation directs State Library Administrative Agencies (SLAAs) to "independently evaluate, and report to the Director regarding, the activities assisted under this subchapter, prior to the end of the 5-year plan." This evaluation provides SLAAs an opportunity to measure progress in meeting the goals set in their approved Five-Year Plans with a framework to synthesize information across all state reports in telling a national story.

This guidance identifies a core set of questions for the SLAAs to use in conducting the 2023- 2027 Five-Year Evaluations that:

- Highlight effective past practices;
- Assess the efficacy in implementing the activities used in advancing state goals; and
- Develop key findings and recommendations from evaluating the past five years for use in organizing the next Five-Year Plan.

There are three sets of questions for each SLAA. The guidance contains possible methodological choices to help each SLAA best work with an independent evaluator.

Format and Questions

IMLS analyzes and makes public all SLAA Five-Year Evaluations. In order to do this effectively, certain information needs to be included in all evaluation reports. This is particularly important in enabling IMLS to tell federal policy makers and practitioners about what has happened at a national level. The specified format is intended to ease the burden for any party to review across multiple reports.

Documents *required* for the Five-Year Evaluation include a cover page (1 page), evaluation summary (2-5 pages), evaluation report (25 pages, max.), and appendices. Please follow the format specified below:

Cover Page (1 page)

- State Library Administrative Agency
- Title of the evaluation
- Evaluator(s) name and organizational affiliation
- Date
- Name of the team, branch, unit, or person commissioning the evaluation

Evaluation Summary (2-5 pages)

- Summarize key findings for the three retrospective and five process questions described in sections A and B.
- Briefly describe the evaluation methodology, referencing the three methodology questions described in section C.

Evaluation Report (25 pages, max., excluding appendices)

- Answer the first eight questions under section “A. Retrospective” and “B. Process” in order, and numbered as they are below.
- Describe the methodology employed, responding to the three questions under “C. Methodology,” below.

A. Retrospective Questions

A-1. To what extent did your Five-Year Plan activities make progress towards each goal? Describe what factors contributed to the outcome (e.g., staffing, budget, partners).

- Organize findings around each goal of the state’s 2023-2027 Five-Year Plan
- Categorize each goal as either 1) achieved, 2) partly achieved, or 3) not achieved

A-2. To what extent did your Five-Year Plan activities achieve results that address national priorities associated with the Measuring Success focal areas and their corresponding intents?

The focal areas are:

- Lifelong Learning
- Information Access
- Institutional Capacity
- Employment & Economic Development
- Human Services
- Civic Engagement

See Appendix 1 for a list of intents for each focal area

A-3. Did any of the following groups represent a substantial focus for your Five-Year Plan activities? (Yes/No)

- Library workforce (current and future)
- Individuals living below the poverty line
- Individuals that are unemployed/underemployed
- Individuals from racial or ethnic minority populations
- Immigrants/refugees
- Individuals with disabilities
- Individuals with limited functional literacy or information skills
- Families
- Children (aged 0-5)
- School-aged youth (aged 6-17)

For the purposes of this question, a substantial focus would represent at least ten percent of the total amount of resources committed by the overall plan across multiple years.

For those who answer Yes to any of the above groups, please describe how each group was reached.

If there are important groups that did not meet the ten percent threshold or do not appear in the list above, please consider describing these as well.

B. Process Questions

B-1. How has the SLAA used any data from the State Program Report (SPR) and elsewhere (e.g., Public Libraries Survey) to guide activities included in the Five-Year Plan?

B-2. Specify any modifications the SLAA made to the 2023-2027 Five-Year Plan, and specifically changes to goals. What was the reason for this change?

B-3. How and with whom has the SLAA shared data from the SPR and from other evaluation resources?

B-4. How has the SLAA used the 2018-2022 Five-Year Evaluation to inform data collected for the 2023-2027 Five-Year Evaluation? How has the SLAA used this evaluation information throughout this five-year cycle?

B-5. Discuss how the SLAA will share the key findings and recommendations from this evaluation with others.

C. Methodology Questions

C-1. Describe how the Five-Year Evaluation was implemented independently using the criteria described in the section of this guidance document called Selection of an Independent Evaluator.

C-2. Describe the types of statistical and qualitative methods (including administrative records) used in conducting the Five-Year Evaluation. Describe their validity and reliability.

C-3. Describe the critical partners involved in the development of the various stages of the Five-Year Evaluation and how they were engaged?

Appendices

- List of acronyms
- List of people interviewed
- Bibliography of all documents reviewed
- Copies of any research instruments used for surveying, interviewing, and/or use of focus groups
- Optional output of statistical findings
- Optional summaries of coding used in any qualitative analyses

Evaluation Strategies

Retrospective and Process Questions (A-1 through A-3, and B-1 through B-5, above)

- Make use of administrative data on program performance. This information can be data that is reported to IMLS in the SPR or other programmatic data collected by the SLAA.
- The administrative data will likely need to be supplemented with information collected from interviews, surveys, and/or focus groups.
- Data also may be available from secondary documents, including contracted third-party program evaluations, studies from non-partisan entities, SLAA reports submitted to IMLS, or other reports to state policy makers.
- Other sources of information, such as Census's American Community Survey, state education data (i.e., Common Core data), and surveys conducted by the SLAA, may be used to describe broad changes in communities or in the state. While these, for the most part, cannot be used for making direct attributions of outcomes from LSTA programming efforts, they can effectively describe the context of activities undertaken.
- Descriptive statistics should suffice in conducting any quantitative analysis. A blend of summary tables and/or figures reporting results in the narrative is customary in this type of research. Presentation of extensive statistical output is generally reserved for appendices.
- A content analysis (with potential descriptive statistics for summarizing codes) can be an acceptable method for conducting qualitative analysis. There are various types of sampling and coding strategies that will precede selecting a content analysis or other analytical choice; the independent evaluator should make these transparent in allowing you and other readers to assess the credibility of the evidence. (See below for more details on evaluation methodology and using an independent evaluator.)

Methodology Questions (C-1 through C-3, above)

- The independent evaluator should clearly address these methodology questions to your satisfaction before proceeding to collect and analyze data.
- The independent evaluator will need to carefully document collection and use of project records used in the study. Professional guidelines for this type of research require protocols in place to ensure confidentiality and consent.
- In working with the independent evaluator, the SLAA should ensure that they have enough knowledge of the evaluation methods for collecting and analyzing data, including tradeoffs that the evaluator is making given limited resources and time.
- The independent evaluator should include a section that summarizes the methods used in any statistical and qualitative research. For qualitative research, many types of sampling and coding strategies may be appropriate; whatever gets selected should be made transparent in this section.
- The appendices should contain copies of any instruments used for data collection as well as those used in coding.

Selection of an Independent Evaluator

An independent evaluation is rigorous and objective (carried out free from outside influence). If a State decides to carry out the evaluation within the government, the evaluator should be able to demonstrate that it does not have a role in carrying out LSTA-funded activities and is independent of those who are being evaluated or who might be favorably or adversely affected by the evaluation results. If the evaluation is carried out within the State entity that includes the SLAA, the line of hierarchy within the entity should demonstrate that the evaluator is not accountable to those responsible for oversight of the LSTA program within the State. Regardless of whether the evaluation is done in-house or through a third party, the evaluator must be able to demonstrate professional competency to objectively conduct the evaluation, including requisite expertise in statistical, qualitative, and general social science research methods.

Submitting Your Report

Please send an electronic version of your Five-Year Evaluation by March 30, 2027 to: stateprograms@imls.gov

Appendix 1: Measuring Success Focal Areas and Intents

- Lifelong Learning
 - Improve users' formal education
 - Improve users' general knowledge and skills
- Information Access
 - Improve users' ability to discover information resources
 - Improve users' ability to obtain and/or use information resources
- Institutional Capacity
 - Improve the library workforce
 - Improve library's physical and technology infrastructure
 - Improve library operations
- Economic & Employment Development
 - Improve users' ability to use resources and apply information for employment support
 - Improve users' ability to use and apply business resources
- Human Services
 - Improve users' ability to apply information that furthers their personal, family, or household finances
 - Improve users' ability to apply information that furthers their personal or family health & wellness
 - Improve users' ability to apply information that furthers their parenting and family skills
- Civic Engagement
 - Improve users' ability to participate in their community
 - Improve users' ability to participate in community conversations around topics of concern

Appendix II
New Jersey State Library
RFP/RFQ Forms



An affiliate of Thomas Edison State University

New Jersey State Library
PO Box 520
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New Jersey State Library RFP/RFQ Standard Forms

The following documents are attached and made part of every advertised RFP/RFQ issued by the New Jersey State Library. Failure to submit any of the following documents may be cause for the bid submission to be rejected.

Standard Forms Table of Contents

1. New Jersey State Library Standard Terms and Conditions
2. Non-Collusion Affidavit
3. Conflicts of Interest
4. Business Registration Certificate
5. Public Contracts Equal Opportunity Compliance
6. Executive Order 34, Byrne, 1976
7. Executive Order 189, Kean, 1988
8. Executive Order 84, Florio, 1993
9. Executive Order 151, Corzine, 2009
10. Ownership Disclosure Form
11. Two-Year Chapter 51/Executive Order 333 Vendor Certification and Disclosure of Political Contributions for Non-Fair and Open Contracts Form

NEW JERSEY STATE LIBRARY (NJSL) STANDARD TERMS AND CONDITIONS

- I. The Contractor certifies that it understands and agrees that the following terms and conditions are incorporated into any contract entered into by or purchase made on behalf of New Jersey State Library.
- II. "Contract" is defined as any written contract or purchase order issued by New Jersey State Library.
- III. In the event that the terms and conditions within a Contractor's proposal conflict with the standard terms and conditions of New Jersey State Library, the Library's standard terms and conditions will govern.
- IV. No Contractor doing business with New Jersey State Library shall be considered an employee of the Library. The status of all Contractors of the Library shall be that of an independent Contractor.
- V. Contractors are notified by this statement that all standard terms and conditions will become part of any contract awarded or purchase order provided whether stated in part, in summary, or by reference, unless the Library issues a duly authorized and signed written directive specifically stating otherwise.

As an affiliate of the New Jersey State Library, all Library purchasing policies, including the standard terms and conditions, apply to all contracts and purchases made by Thomas Edison State University on behalf of the New Jersey State Library.

1. STATE LAW REQUIRING MANDATORY COMPLIANCE

- 1.1 CORPORATE AUTHORITY** – It is required that all corporations be authorized to do business in the State of New Jersey. Corporations incorporated out of the State must file a Certificate of Authority with the Secretary of State, department of State, State House, Trenton, New Jersey. Refer to NJSA 14A:13-3.
- 1.2 BUSINESS REGISTRATION** – All New Jersey and out of state corporations must obtain a Business Registration Certificate (BRC) from the Department of the Treasury, Division of Revenue prior to conducting business in the State of New Jersey. All Contractors must provide a valid and current BRC to the Library's Purchasing Department before doing business with the Library via contract or purchase order. All subcontractors of the contractor must provide the contractor with a current BRC. Contractors must forward the BRC's of subcontractors to the Library's purchasing department.
- 1.3 ANTI DISCRIMINATION** – All parties to any contract with New Jersey State Library agree not to discriminate in employment and agree to abide by all anti-discrimination laws including those contained within NJSA 10:2-1 through 10:2-4 NJSA 10:5-1 et seq. and NJSA 10:5-31 through 10:5-38, and all rules and regulations issued thereunder.
- 1.4 PREVAILING WAGE ACT** – The New Jersey Prevailing Wage Act PL 1963, Chapter 150 is hereby made a part of every contract entered into on behalf of New Jersey State Library except those contracts which are not within the scope of the Act. The Contractor hereby guarantees that neither the contractor nor any subcontractors who might be employed to perform the work covered by this proposal are listed or are on record in the Office of the Commissioner of the Department of Labor and Industry as

one who has failed to pay prevailing wages in accordance with the provisions of this Act.

- 1.5 THE WORKER AND COMMUNITY RIGHT TO KNOW ACT** – The provisions of NJSA 34:5A-1 et seq. require the labeling of all containers of hazardous substances. All goods offered for purchase to the Library must be labeled in compliance with the provisions of the Act and shall be deemed a term and condition of any Library purchasing agreement or contract.
- 1.6 COMPLIANCE WITH LAWS** – All Contractors of the Library shall comply with all local, state, and federal laws, rules, and regulations applicable to any contracts or purchases and to the goods delivered and/or services provided under such.
- 1.7 COMPLIANCE WITH NEW JERSEY STATE LAW** – All agreements between New Jersey State Library and outside Contractors shall be governed by the laws of the State of New Jersey. Any and all actions relating to the provisions of a contract or purchasing agreement shall be brought in the courts of New Jersey, and venued in Mercer County, Trenton, New Jersey. New Jersey law shall apply to all issues regardless of any principles of conflict of law policies, statutes, or case law. All agreements shall be subject to the New Jersey Contractual Liability Act, NJSA 59:13-1 et seq. All agreements shall be subject to the New Jersey Tort Claims Act, NJSA 59:1-1 et seq.
- 1.8 OWNERSHIP DISCLOSURE** – Contracts for any work, goods, or services cannot be issued to any firm unless prior to or at the time of bid submission the firm has disclosed the names and addresses of all its owners holding 10% or more of the firm's stock or interests. NJSA 52:25-24.2. This requirement applies to all contracts exceeding the current bid threshold, whether made through advertisement or bid waiver. Ownership disclosure is also required by NJSA 19:44A-20.13 et seq.
- 1.9 POLITICAL DISCLOSURE BY CONTRACTOR** – If the contract is in excess of \$17,500 the Contractor must complete and return "Pay to Play" certification and disclosure forms, which include the ownership disclosure form to the Library before a contract can be awarded. The Library must receive approval from the Chapter 51 Review Unit before entering into an agreement with said Contractor. NJSA 19:44A-20.13 et seq.
- 1.10 PUBLIC WORKS CONTRACTOR REGISTRATION ACT** – The New Jersey Public Works Contractor Registration Act requires that all contractors, subcontractors and lower tier subcontractor(s) who engage in any contract for public work as defined in NJSA 34:11-56.26 be first registered with the New Jersey Department of Labor and Workforce Development. Any questions regarding the registration process should be directed to the New Jersey Division of Wage and Hour Compliance.

2. LIABILITIES

- 2.1 COPYRIGHT LIABILITY** – The Contractor shall hold and save New Jersey State Library, Thomas Edison State University, the State of New Jersey, their respective officers, agents, servants and employees, harmless from liability of any nature or kind for or on account of the use of any copyrighted or un-copyrighted composition, secret

NEW JERSEY STATE LIBRARY (NJSL) STANDARD TERMS AND CONDITIONS

process, patented or unpatented invention, article or appliance furnished or used in the performance of any contract or agreement.

2.2 INDEMNIFICATION - The Contractor shall assume all risk of and responsibility for, and agrees to indemnify, defend, and save harmless New Jersey State Library, Thomas Edison State University, the State of New Jersey and respective employees, trustees, officers, volunteers, and agents from and against any and all claims, demands, suits, actions, recoveries, judgments, costs and expenses (including reasonable attorney's fees) in connection therewith on account of the loss of life, property or injury or damage to the person, body or property of any person or persons whatsoever, which shall arise from or result directly or indirectly from the work, materials, and/or services supplied under any contract or agreement. This indemnification obligation is not limited by, but is in addition to the insurance obligations contained in contracts or agreements.

2.3 INSURANCE - The Contractor shall secure and maintain in force for the term of the contract liability insurance as provided herein. The Contractor shall provide New Jersey State Library with current certificates of insurance for all coverage and renewals thereof which must contain the provision that the insurance provided in the certificate shall not be canceled for any reason except after thirty days written notice to New Jersey State Library, Office of the Treasurer. The insurance to be provided by the Contractor shall be as follows:

- a. Comprehensive General Liability policy as broad as the standard coverage form currently in use in the State of New Jersey which shall not be circumscribed by any endorsements limiting the breadth of coverage. The policy shall include an endorsement (broad form) for contractual liability and products liability (completed operations). Limits of liability shall not be less than \$1,000,000.00 per occurrence for bodily injury and \$1,000,000.00 per occurrence for property damage liability.
- b. Comprehensive General Automobile Liability insurance covering owned, non-owned, and hired vehicle with minimum limits of \$1,000,000.00 combined single limits.
- c. Worker's Compensation Insurance applicable to the laws of the State of New Jersey and Employers Liability Insurance with Limits of not less than \$1,000,000.00.
- d. Upon request, the successful Contractor will provide certificates of such insurance to New Jersey State Library prior to the start of the contract and periodically during the course of a multi-year contract.

3. TERMS GOVERNING ALL CONTRACTS (Unless otherwise specified in Bid Specifications)

3.1 CONTRACT PERIOD AND EXTENSION OPTION - If, in the opinion of the Chief Financial Officer, it is in the best interest of the Library to extend any contract entered into as a result of any proposal for a period of all or any part of a year, the Contractor will be so notified of the Treasurer's intent at least 30 days prior to the expiration date of the existing contract. The Contractor shall have 15 calendar days to respond to the Treasurer's request to extend the

contract. If the Contractor agrees to the extension, all terms and conditions of the original contract, including price, will be applicable.

3.2 RIGHT TO PROTEST INTENT TO AWARD - Except in the case of an emergency, bidders have the right to protest the award of a contract as announced in the notice of intent to award. Bidders will then have three business days from the date of the notice to file a written protest with the Library. The Library may shorten the deadline to protest when it deems it is in the public interest to do so.

3.3 CONTRACT TERMINATION -

- a. Change of Circumstances - Notwithstanding any provision or language in any contract to the contrary, where the needs of the Library significantly change, or the contract is otherwise deemed no longer to be in the Library's interest, the Library may terminate the contract upon 30 days written notice to the Contractor. In the event of contract termination due to Change of Circumstances, the Contractor will be compensated by the Library for goods and/or services satisfactorily performed and accepted in accordance with the contract, up to the date of termination.
- b. For Cause - Where the Contractor fails to perform or comply with a contract, the Library may terminate the contract upon 10 days notice to the Contractor, with an opportunity to respond. Where a Contractor continues to perform a contract poorly as demonstrated by documented late delivery, poor performance of service, short-shipping, etc., the Library may terminate the contract upon 10 days' notice to the Contractor. In the event of contract termination due to Cause, the Library may acquire the goods and/or services which are the subject of the terminated contract from another source. If the price paid is greater than the contract price, the Library may deduct the difference in price from any monies due the terminated Contractor of, if no monies are due the terminated Contractor, the difference in price shall be an obligation owed the Library by the terminated Contractor.

3.4 PERFORMANCE GUARANTEE - The Contractor hereby certifies that:

- a. The equipment offered is standard, new equipment, and is the manufacturer's latest model in production, with parts regularly used for the type of equipment offered, that such parts are all in production and not likely to be discontinued, and that no attachment or part has been substituted or applied contrary to manufacturer's recommendations and standard practice.
- b. All equipment supplied to the Library that is operated by electrical current is UL listed where applicable.
- c. All new machines are to be guaranteed as fully operational for the period stated in the Contractor's proposal from time of written acceptance by the Library. The Contractor will render prompt service without charge, regardless of geographic location.
- d. During the warranty period, the Contractor shall replace immediately any material which is rejected for failure to meet the requirements of the contract.

NEW JERSEY STATE LIBRARY (NJSL) STANDARD TERMS AND CONDITIONS

- e. All services rendered to the Library shall be performed in strict and full accordance with the specifications stated in the contract.

3.5 DELIVERY GUARANTEE –

- a. Deliveries shall be made at such time and in such quantities as ordered in strict accordance with conditions contained in the contract or proposal. The Contractor shall be responsible for the delivery of material in first class condition to the Library in accordance with good commercial practice.
- b. Items delivered must be strictly in accordance with bid or contract specifications.
- c. In the event delivery of goods or services are not made within the number of days stipulated or under the schedule defined in the specifications, the Library may obtain the materials or services for any other available source, the difference in price, if any, to be paid by the Contractor failing to meet his commitments.
- d. Contractors are authorized to ship only those items and quantities that are covered by the contract. If a review or material received indicated that material other than that covered by the contract has been ordered and delivered, the Treasurer, or his/her Purchasing designee will take such steps as are necessary to have the material returned regardless of the time lapsed between the date of delivery and discovery of the violation. Full credit will be required. Compliance with this requirement is the full responsibility of the Contractor. Violation of this clause may result in the removal of the offending Contractor's name from the Library's approved Contractor list.
- e. Contractors shall acquaint themselves with conditions to be found at the Library and shall assume all responsibility for placing and installing the equipment in the locations required. All freight or other delivery charges shall be paid by the Contractor.
- f. The Library will accept deliveries during normal business hours 9 am to 4 pm on normal business days, Monday through Friday.
- g. All items must be delivered into and placed at a point within the Library buildings as directed by the Library. Based on space limitations, deliveries should be made utilizing no larger than a box truck. Lift gates are required as there is no dock for deliveries.

3.6 SUBCONTRACTING OR ASSIGNMENT – The contract may not be sub-contracted or assigned by the Contractor, in whole or in part, without the prior written consent of the Chief Financial Officer or his/her Purchasing designee. Such consent, if granted, shall not relieve the Contractor of any responsibilities under the contract. In the event the Contractor proposes to subcontract for the services to be performed under the terms of the contract award, the Contractor shall state so in the submitted bid or proposal and attach for approval a list of said subcontractors and an itemization of the products and/or services to be supplied by them. Nothing contained in the specifications shall be construed as creating any contractual relationship between any subcontractor and the Library.

3.7 LIBRARY'S RIGHT OF FINAL BID ACCEPTANCE – The Library reserves the right to reject any or all bids, or to award in whole or in part if deemed to be in the best interest of the Library to do so. The Library shall have authority to award orders or contracts to the Contractor(s) best meeting all specifications and conditions set forth.

3.8 LIBRARY'S RIGHT TO INSPECT CONTRACTOR'S FACILITIES – The Library reserves the right to inspect a Contractor's establishment before making an award for purposes of ascertaining whether the Contractor has the necessary facilities for performing the contract.

3.9 MAINTENANCE OF RECORDS – The Contractor shall maintain records for products and services delivered against a contract for a period of three (3) years from the date of final payment. Such records shall be made available to the Library upon request.

4. TERMS RELATING TO PRICE

4.1 PRICE FLUCTUATIONS DURING CONTRACT – All prices quoted shall be firm and not subject to increase during the period of the contract. In the event of a manufacturer's price decrease during the contract period, the Library shall receive the full benefit of such price reduction on any undelivered goods or services, and on any subsequent order placed during the contract period.

4.2 DELIVERY COSTS – Unless noted otherwise in the specification, all prices for items in bid or contract proposals are to be submitted F.O.B. destination. Proposals submitted other than F.O.B. destination may not be considered. Regardless of the method of quoting shipments, the Contractors shall assume all liability and responsibility for the delivery of the merchandise in good condition to the Library or designated purchaser. F.O.B. destination does not cover "spotting" but does include delivery on the receiving platform of the ordering agency at any destination in the Library unless otherwise specified. No additional charges will be allowed for any transportation costs resulting from partial shipments made at a Contractor's convenience when a single shipment is ordered.

4.3 C.O.D. TERMS – Unless otherwise stated, C.O.D. terms are not acceptable as part of any proposal, and are cause for automatic rejection of a bid or proposal.

4.4 TAX CHARGES - New Jersey State Library is an instrumentality of the State of New Jersey and is exempt from the New Jersey sales and use taxes and Federal excise taxes. These taxes must not be included in the Contractor's price quotations. The Library's Federal Excise Tax Exemption number is V21600092800.

4.5 PAYMENT TO CONTRACTORS – Upon receipt and acceptance of goods or services, payment for goods and/or services purchased by the Library will be made to the contractor following the receipt of an acceptable invoice from the contractor.

5. CASH DISCOUNTS – Cash discounts for periods of less than 15 days will not be considered as factors in the award of contracts for purposes of determining the Library's compliance with any discount offered.

NEW JERSEY STATE LIBRARY (NJSL) STANDARD TERMS AND CONDITIONS

5.1 A discount period shall commence on the day the Library receives a properly executed Contractor invoice for products and services that have been duly accepted by the Library in accordance with the terms, conditions, and specifications of the contract or purchase order. If the invoice is received prior to delivery of the goods and services the discount period begins with the acceptance of the goods or services.

5.2 The date on the check or electronic payment issued by the Library in payment of that invoice shall be deemed the date of the Library response to that invoice.

6. CONFIDENTIAL INFORMATION

The Contractor will not, either directly or indirectly use or disclose any confidential or proprietary information including, without limitation, employee and student data, financial data, and information technology of the Library, for any purpose other than the performance of the specific contract services, unless the Contractor has obtained prior written consent of the Library, to the contrary. Contractor shall limit disclosure of confidential information to Contractor's employees with a need to know the confidential information.

7. STANDARDS PROHIBITING CONFLICT OF INTEREST

The following prohibitions of contractor activities shall apply to all contracts or purchase agreements made with the Library, pursuant to Executive Order No. 189 (1988):

- A) The Contractor shall not pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any Library officer or employee or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i., of any such Library officer or employee, or partnership, firm or corporation with which they are employed or associated, or in which such Library officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.
- B) The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any Library officer or employee from the Contractor shall be reported in writing forthwith by the Contractor to the Attorney General and the State Ethics Commission.
- C) The Contractor may not, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such Contractor to, any Library officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to the Library, or with any person, firm or entity with which he or she is employed or associated or in which he or she has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to the provision shall be reported in writing forthwith to the State Ethics Commission, which may grant a waiver of this restriction upon application of the Library officer or employee

upon a finding that the present or proposed relationship does not present the potential, actuality, or appearance of a conflict of interest.

- D) No Contractor shall influence, or attempt to influence or cause to be influenced, any Contractor officer or employee in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- E) No Contractor shall cause or influence, or attempt to cause or influence, any Library officer or employee to use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for the vendor or any other person.
- F) The provisions cited above in paragraph 6A. through 6E shall not be construed to prohibit a Library officer or employee from receiving gifts from or contracting with Contractors under the same terms and conditions as are offered or made available to members of the general public.
- G) The Contractor agrees to abide by the Business Ethics Guide published by the New Jersey Department of Treasury.

NON-COLLUSION AFFIDAVIT

Project Title: _____

STATE OF NEW JERSEY)
) SS:
COUNTY OF)

I, _____ of the City of _____

in the County of _____ and the State of _____

being of full age, being duly sworn according to law on my oath depose and say that:

I am (Title) _____

of the firm of _____

the bidder making the Proposal for the above named project, and that I executed the said Proposal with full authority to do so; that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the State of New Jersey relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

Signature

Subscribed and sworn to _____

before me this day of 20____.

Notary Public: _____

My commission expires: _____



An affiliate of Thomas Edison State University

P.O. Box 520
Trenton, NJ 08625-0520
609-278-2640
www.njstatelib.org

CONFLICTS OF INTEREST

The following prohibitions on vendor activities shall apply to all contracts or purchase agreements made with the State of New Jersey, pursuant to **Executive Order No. 34 (1976)** and **Executive Order 189 (1988)**.

- a. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b and e., in the Department of the Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i., of any such officer or employee, or partnership, firm or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52: 13D-13g.
- b. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.
- c. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52: 130-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.
- d. No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- e. No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the vendor or any other person.
- f. The provisions cited above in paragraph a through e shall not be construed to prohibit a State officer or employee or Special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate under paragraph c.

I (we) certify that I (we) have read and understood the above regulations on Conflict of Interest:

Name of Firm: _____

By: _____

Title: _____ Date: _____

Business Formation and Registration

In accordance with Public Law 2001, Chapter 134, all business and independent contractors, providing goods/services to State agencies, authorities, colleges, and universities, are required to provide a New Jersey Business Registration Certificate (NJBRC) as proof of registration with the Department of the Treasury, Division of Revenue.

Step 1 – File Certificates of Business Formation

If your business is a legal entity such as a corporation, limited partnership, or limited liability company, you must file formation or authorization documents for the public record. **General partnerships and sole proprietors are not subject to this first step.** To file formation or authorization documents, visit: <https://www.nj.gov/treasury/revenue/filecerts.shtml>

Step 2 – Registering All Businesses for Tax & Employer Purposes

All businesses and sole proprietors must register for tax and employer purposes. Upon completion of the process, a NJ Business Registration Certificate will be issued. To register for tax and employer purposes, visit: <https://www.nj.gov/treasury/revenue/busregcert.shtml>

Online Registration Certificate Service

To check the status or secure a copy of an existing NJ Business Registration Certificate, visit: https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp

If you need further assistance with the aforementioned process, please contact the Division of Revenue hotline at 609-292-9292 (option #1).

Sheri Shafer
Chief Operating Officer
New Jersey State Library

Public Contracts Equal Employment Opportunity Compliance

This mission of the Public Contracts Equal Employment Opportunity Compliance Monitoring Program is to ensure that any firm contracting with a public agency in the State of New Jersey provides equal opportunity employment.

Online submission and payment are now accepted for the EEO/AA Employee Information Report (AA-302). Please visit the following links for submission and payment instructions:

Creating a Login for Electronic Filing:

https://www.state.nj.us/treasury/contract_compliance/documents/pdf/forms/aa302/create-a-logon.pdf

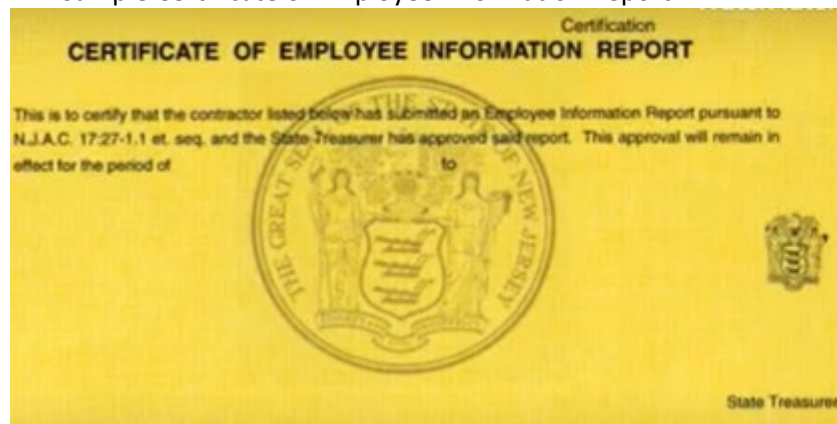
Electronic Filing Instructions for the AA302 Form

https://www.state.nj.us/treasury/contract_compliance/documents/pdf/forms/aa302/instructions.pdf

Central Forms Repository & Payment Collection System

<https://cform.mwg.nj.gov/>

Sample Certificate of Employee Information Report



If you need further information, please refer to Frequently Asked Questions at:

https://www.state.nj.us/treasury/contract_compliance/documents/pdf/forms/FAQs.online.10.16.17.pdf

Sheri Shafer
Chief Operating Officer
New Jersey State Library

**State of New Jersey
Executive Order #34**

Governor Brendan Byrne

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WHEREAS, it is essential that all persons supplying goods or services to the State of New Jersey, or performing contracts or otherwise executing public works with the assistance of and subject to the approval of the State, must meet a standard of responsibility which assures the State and its citizens that such persons will both compete and perform honestly in their dealings with the State and avoid secret or illicit dealing; and

WHEREAS, it is essential that such persons be fully informed of policies of the State in this regard, and be afforded procedural safeguards appropriate to circumstances which such policies may occasion; and

WHEREAS, the courts have affirmed the duty and obligation of State officials to develop and effectuate such policies; and

WHEREAS, it is essential that such policies be uniformly applied by the various agencies of the Executive Branch, and that uniform procedures be adopted to implement them,

NOW, THEREFORE, I, BRENDAN BYRNE, Governor of the State of New Jersey, do hereby order and direct that:

1. Debarment, suspension and disqualification are measures which shall be invoked by the State to exclude or render ineligible certain persons from participation in contracts and subcontracts with the State, or in projects or contracts performed with the assistance of the subject to the approval of the State, on the basis of a lack of responsibility. These measures shall be used for the purpose of protecting the interests of the State and not for punishment. To assure the State the benefits to be derived from the full and free competition between and among such persons and to maximize the opportunity for honest competition and performance, these measure shall not be invoked for any longer than deemed necessary to protect the interests of the State.
2. As used in this Order,
 - (a) "Debarment" means an exclusion from state contracting, on the basis of lack of responsibility evidenced by an offense, failure, or inadequacy of performance, for a reasonable period of time commensurate with the seriousness of the offense, failure, or inadequacy of performance.
 - (b) "Suspension" means an exclusion from state contracting for a temporary period of time, pending the completion of an investigation or legal proceedings.
 - (c) "Disqualification" means a debarment or a suspension which denies or revokes a qualification to bid or otherwise engage in state contracting which has been granted or applied for pursuant to statute, or rules and regulations.

(d) "State" means the State of New Jersey, or any of the departments or agencies in the Executive Branch of government with the lawful authority to engage in contracting.

(e) "Person" means any natural person, company, firm, association, corporation, or other entity.

(f) "State Contracting" means any arrangement giving rise to an obligation to supply any thing to or perform any service for the State, other than by virtue of state employment, or to supply any thing to or perform any service for a private person where the State provides substantial financial assistance and retains the right to approve or disapprove the nature or quality of the goods or service or the persons who may supply or perform the same.

(g) "Affiliates" means persons having an overt or covert relationship such that any one of them directly or indirectly controls or has power to control another.

3. The executive head of each department or agency in the Executive Branch, with the lawful authority to engage in state contracting, shall, within ninety days of the date of this Order and in accordance with the provisions of the Administrative Procedures Act (P.L.1968, c.410, C.52:14B-1 et seq.), promulgate rules and regulation governing the causes, conditions and procedures applicable to determinations of debarment, suspension and disqualification by that department or agency. Such rules and regulations shall to the extent consistent with existing law conform to the minimum standards hereinafter set forth, but need not be limited to such standards. In addition to any other filing required by law to be made, each executive head shall file with the Attorney General and the Treasurer a copy of such rules and regulations as may be promulgated.

4. Subject to the conditions hereinafter described, the rules and regulations referred to in Section 3 supra, shall authorize the department or agency to debar a person in the public interest for any of the following causes:

(a) Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract.

(b) Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty.

(c) Violation of the Federal or State Antitrust Statutes, or of the Federal Anti-Kickback Act (18 U.S.C. 874, 40 U.S.C. 276 B,c).

(d) Violation of any of the laws governing the conduct of elections of the State of New Jersey or of its political subdivisions.

(e) Violations of the "Law Against Discrimination" (P.L. 1945, c.169, C.10:5-1 et seq., as supplemented by P.L. 1975, c.127), or of the act banning discrimination in public works employment (C.10:2-1 et seq.), or of the "Act

Prohibiting Discrimination by Industries Engaged in Defense Work in the Employment of Persons Therein" (C.114, L.1942, C.10:1-10 et seq.).

(f) Violations of any laws governing the hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor.

(g) Violations of any laws governing the conduct of occupations or professions or regulated industries.

(h) Willful failure to perform in accordance with contract specifications or within contractual time limits.

(i) A record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred.

(j) Violation of contractual or statutory provisions regulating contingent fees.

(k) Any other cause affecting responsibility as a State contractor of such serious and compelling nature as may be determined by the department or agency to warrant debarment, including such conduct as may be prescribed by the laws or contracts enumerated in this paragraph even if such conduct has not been or may not be prosecuted as violations of such laws or contracts.

5. The rules and regulations concerning debarment required herein shall include in substance the following conditions:

(a) Debarment shall be made only upon approval of the executive head of the department or agency, except as otherwise provided by law.

(b) The existence of any of the causes set forth in paragraph 4 of this Order shall not necessarily require that a person be debarred. In each instance, the decision to debar shall be made within the discretion of the head of the department or agency unless otherwise required by law, and shall be rendered in the best interests of the State.

(c) All mitigating factors shall be considered in determining the seriousness of the offense, failure or inadequacy of performance and in deciding whether debarment is warranted.

(d) The existence of a cause set forth in subparagraph's (a), (b), (c), (d), (e), (f), and (g) of paragraph 4 of this Order shall be established upon the rendering of a final judgment or conviction by a court of competent jurisdiction or by an administrative agency empowered to render such judgment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon the request of the debarred person unless other cause for debarment exists.

(e) The existence of a cause set forth in subparagraph (h), (i), (j), and (k) of paragraph 4 of this Order shall be established by evidence which the department or agency determines to be clear and convincing in nature.

(f) Debarment for the cause set forth in subparagraph (l) of paragraph 4 of this Order shall be proper provided that one of the causes set forth in subparagraph 4(a) through 4(k) was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

6. The rules and regulations concerning debarment required by this Order shall include in substance the following provisions regarding procedures, period of debarment and scope of debarment:

(a) A department or agency seeking to debar a person or his affiliates shall furnish such party with a written notice: (i) stating that debarment is being considered, (ii) setting forth the reasons for the proposed debarment, and (iii) indicating that such party will be accorded an opportunity for a hearing if he so requests within a stated period of time. All such hearings shall be conducted in accordance with the provisions of the Administrative Procedures Act. However, where one department or agency may also impose a similar debarment without according an opportunity for a hearing, provided that the second agency furnishes notice of the proposed similar debarment to that party, and accords that party an opportunity to present information in his behalf to explain why the proposed similar debarment should not be imposed in whole or in part.

(b) Debarment shall be for a reasonable, definitely stated period of time which as a general rule shall not exceed five years. Debarment for an additional period shall be permitted provided that notice thereof is furnished and the party is accorded an opportunity to present information in his behalf to explain why the additional period of debarment should not be imposed.

(c) Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced in the discretion of the debarring agency upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as newly discovered material evidence, reversal of a conviction or judgment, actual change of ownership, management or control, or the elimination of the causes for which the debarment was imposed.

(d) A debarment may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may be imputed to a person with whom he is affiliated, where such conduct was accomplished within in the course of his official duty or was effected by him with the knowledge or approval of such person.

7. Subject to the conditions hereinafter described, the rules and regulations required by this Order shall authorize the department or agency to suspend a person in the public interest for any cause specified in paragraph 4 of this Order, or upon a reasonable suspicion that such cause exists.

8. The rules and regulations concerning suspension required by this Order shall include in substance the following conditions:

(a) Suspension shall be imposed only upon approval of the executive head of the department or agency and upon approval of the Attorney General, except as otherwise provided by law.

(b) The existence of any cause for suspension shall not require that a suspension be imposed, and a decision to suspend shall be made at the discretion of the executive head of the department and of the Attorney General, and shall be rendered in the best interest of the State.

(c) Suspension shall not be based upon unsupported accusation, but upon adequate evidence that cause exists or upon evidence adequate to create a reasonable suspicion that cause exists.

(d) In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, and to inferences which may properly be drawn from the existence or absence of affirmative facts.

(e) Reasonable suspicion of the existence of a cause described in subparagraph's (a), (b), (c), (d), (e), (f), and (g) of paragraph 4 of this Order may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did in fact occur.

(f) A suspension invoked by an agency for any of the causes described in subparagraph's (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of paragraph 4 of this Order may be the basis for the imposition of a concurrent suspension by another agency, which may impose such suspension without the approval of the Attorney General.

9. The rules and regulations concerning suspension required by this Order shall include in substance the following provisions regarding procedures, period of suspension and scope of suspension:

(a) A department or agency may suspend a person or his affiliates, provided that within ten days after the effective date of the suspension, the agency provides such party with a written notice: (i) stating that a suspension has been imposed and its effective date, (ii) setting forth the reasons for the suspension to the extent that the Attorney General determines that such reasons may be properly disclosed, (iii) stating that the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue, and (iv) indicating that, if such legal proceedings are not commenced or the suspension removed within sixty days of the date of such notice, the party will be given either a statement of the reasons for the suspension and an opportunity for a hearing if he so requests, or a statement declining to give such reasons and setting forth the agency's position regarding the continuation of the suspension. Where a suspension by one agency has been the basis for

suspension by another agency, the latter shall note that fact as a reason for its suspension.

(b) A suspension shall not continue beyond eighteen months from its effective date unless civil or criminal action regarding the alleged violation shall have been initiated within that period, or unless debarment action has been initiated. The suspension may continue until the legal proceedings are completed.

(c) A suspension may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may be imputed to a person with whom he is affiliated, where such conduct was accomplished within the course of his official duty or was effectuated by him with the knowledge or approval of such person.

10. The rules and regulations required by this Order shall contain such provisions as may be necessary to conform existing practices and procedures under any relevant pre-qualification statutes to the procedures governing debarment and suspension required herein, to the extent that such existing practices and procedures may concern the disqualification of any person from state contracting.

11. The rules and regulations required by this Order shall provide that the exclusion from state contracting by virtue of debarment, suspension or disqualification shall extend to all state contracting and subcontracting within the control or jurisdiction of the department or agency which imposed the exclusion. However, when it is determined essential to the public interest by the head of the department or agency, and upon filing of a finding thereof with the Attorney General, an exception from total exclusion may be made with respect to a particular state contract.

12. Insofar as practicable, prior notice shall be given to the Attorney General and the Treasurer of any proposed debarment or suspension.

13. The Treasurer shall maintain a current list of the names of all persons suspended or debarred, the effective date and term if any thereof and the agency or agencies which imposed same. Such list shall be available for public inspection.

14. Departments and agencies required by this Order to promulgate rules and regulations governing debarment and suspension are hereby authorized in connection with any proceeding thereunder to receive such information regarding the criminal conduct or criminal record of any person to the extent that such disclosure is deemed appropriate by the Attorney General, consistent with existing federal and state law.

15. Nothing required by this Order shall be construed to limit the authority of any department or agency to refrain from contracting with the discretion allowed by law.

GIVEN, under my hand and seal,
this 17th day of March in the year
of our Lord, one thousand nine hundred
and seventy-six, and of the Independence
of the United States, the two hundredth

/s/ Brendan Byrne
-seal-
GOVERNOR

Attest:

/s/ John J. Degnan
Executive Secretary to the Governor

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**State of New Jersey
Executive Order #189**

Governor Thomas H. Kean

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WHEREAS, it is essential that all persons supplying goods or services to the State of New Jersey, or performing contracts or otherwise executing public works with the assistance of and subject to the approval of the State, must meet a standard of responsibility which assures the State and its citizens that such persons will both compete and perform honestly in their dealings with the State and avoid conflicts of interest; and

WHEREAS, the New Jersey Conflicts of Interest Law prohibits State officers or employees and special State officers or employees from having any interest or engaging in any activity that is in substantial conflict with the proper discharge of their duties in the public interest or from undertaking any employment or service which might reasonably be expected to impair their objectivity or independence of judgment; and

WHEREAS, the New Jersey Conflicts of Interest Law prohibits State officers or employees and special State officers or employees from acting in their official capacity in any matter wherein they have a direct or indirect personal financial interest which might reasonably be expected to impair their objectivity or independence of judgment; and

WHEREAS, N.J.S.A. 52:34-19 provides that it shall be a misdemeanor to pay any fee, commission, compensation, gift or gratuity of any kind, directly or indirectly, to any person employed by the Department of the Treasury or to any other person in the employ of the State having any duties or responsibilities in connection with the purchase or acquisition of any property or services by the State or any agency or instrumentality thereof by or on behalf of any seller or supplier of such goods or services or other party to a contract with the State; and

WHEREAS, it is essential that persons providing goods or services to, or performing contracts for, the State be fully informed of the policies of the State concerning their relationships with State officers or employees and special State officers or employees and that these policies be uniformly applied by the various agencies of the Executive Branch; and

WHEREAS, it is therefore necessary to supplement Executive Order No. 34 (1976), which provides the grounds and procedures applicable to the debarment, suspension and disqualification of State vendors, to encompass appropriate standards prohibiting conflicts of interest on the part of present and prospective State vendors;

NOW, THEREFORE, I, THOMAS H. KEAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. As used in this Order, "vendor" means any person, firm, corporation, or other entity which provides or offers or proposes to provide goods or services to or perform any contract for any State agency.

2. The executive head of each department or agency in the Executive Branch with the lawful authority to engage in State contracting shall, in accordance with the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., promulgate regulations supplementing those heretofore established pursuant to Executive Order No. 34 (1976) governing the causes, conditions and procedures applicable to determinations of debarment, suspension and disqualification by the department or agency to include the minimum standards hereinafter set forth. In addition to any other filing required by law to be made, each executive head shall file with the Attorney General and Treasurer a copy of such rules and regulations as may be promulgated.

3. The rules and regulations referred to in Paragraph 2 shall include the following prohibitions on vendor activities, the violation of which shall render said vendor liable to debarment in the public interest, pursuant to the procedures established by Executive Order No. 34 (1976), by any Executive department or agency:

a. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b. and e., in the Department of the Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i., of any such officer or employee, or any partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.

b. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.

c. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

d. No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

e. No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use,

his official position to secure unwarranted privileges or advantages for the vendor or any other person.

f. The provisions cited above in paragraph 3a. through 3e. shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate under paragraph 3c.

4. The rules and regulations referred to in Paragraph 2, supra, shall require that the prohibitions set forth Paragraph 3, supra, shall be included in all requests for proposals issued by any State department or agency and in all contracts executed on behalf of a State department or agency, other than those of an interstate agency to which New Jersey is a party and contracts entered into on behalf of the interstate agency.

5. Nothing required by this Order shall be construed to limit the authority of any State department or agency to refrain from contracting within the discretion allowed by law, or to limit N.J.S.A. 52:34-19 or any other applicable statute or regulation.

6. This Order shall take effect on the ninetieth day following its execution.

GIVEN, under my hand and seal,
this 20th day of July in the Year
of Our Lord, one thousand nine
hundred and eighty-eight, and of the
Independence of the United States,
the two hundred and thirteenth.

/s/Thomas H. Kean
GOVERNOR

(seal)

Attest:

/s/ Michael R. Cole
Chief Counsel

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**State of New Jersey
Executive Order #84**

Governor James J. Florio

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WHEREAS, our nation is deeply committed to the universal principle of equality for all, a principle that is forever fixed in our fundamental law through the equal protection clause of the Fourteenth Amendment to the United States Constitution; and

WHEREAS, since the time of the Civil War, our nation's history has been characterized by a long and difficult struggle to provide every citizen with equal rights under the law; and

WHEREAS, we are still engaged in an historic endeavor to cleanse our social, political, and economic life of invidious discrimination against racial and ethnic minorities, and against women; and

WHEREAS, our government cannot tolerate discrimination against African-Americans, who continue to suffer from the legacy of racism in America; against women, who have still not been fully admitted to the table of equality; and against ethnic minorities, such as Latinos and Asian-Americans, who also confront barriers of discrimination throughout this society; and

WHEREAS, our government bears a solemn responsibility to carry out the vision of equality and justice that has long nourished the righteous efforts of the civil rights movement; and

WHEREAS, the civil rights movement in the United States has transformed our legal and political system from one that embraced segregation and other forms of overt discrimination to one that now recognizes the right of every citizen to equal respect and concern; and

WHEREAS, nevertheless, our society continues to be marred by economic inequalities among our citizens -- inequalities that represent the direct and intolerable legacy of this nation's discriminatory past; and

WHEREAS, we owe an abiding obligation to the great civil rights leaders in our history, such as Dr. Martin Luther King, Cesar Chavez, Susan B. Anthony, and Supreme Court Justice Thurgood Marshall, to give the fullest measure of our efforts to eradicate the economic consequences of racial, ethnic, and gender discrimination; and

WHEREAS, we can best achieve the ideal of equal economic opportunity for all not by increasing our reliance on social welfare programs of the past, but by advancing new policies that promote economic self-reliance and entrepreneurial self-sufficiency; and

WHEREAS, in 1985, this State adopted with widespread support an innovative set-aside policy that guaranteed businesses owned by racial and ethnic minorities, and businesses owned by women an opportunity to obtain a fair portion of public contracts; and

WHEREAS, New Jersey's set-aside program not only redressed historic discrimination in the marketplace, but also advanced the critical interest of providing historically disadvantaged groups with the means and the experience to compete fairly in the economic setting; and

WHEREAS, in the 1989 case of *City of Richmond v. Croson*, the United States Supreme Court invalidated a City of Richmond set-aside program on the grounds that the city had failed to meet strict standards of constitutional scrutiny, which require that such policies be justified on the basis of evidence of actual discrimination, and that such policies be narrowly tailored to remedy such discrimination; and

WHEREAS, after *Croson*, the set-aside program in New Jersey was suspended; and

WHEREAS, on August 14, 1989, in response to the *Croson* case, Governor Thomas H. Kean issued Executive Order No. 213, which established the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts (hereinafter the "Study Commission"); and

WHEREAS, the Executive Order directed the Study Commission to "investigate the nature and scope of any discriminatory practices" that exist in the awarding of construction and procurement contracts by the State of New Jersey, to "prepare an analysis of this information in order to develop probative evidence of any prior or present discrimination" in the awarding of such contracts, and to "identify and evaluate remedies for these practices consistent with guidelines established by the Supreme Court in *Croson*"; and

WHEREAS, the Study Commission, which has been continued throughout this Administration, has worked diligently since its formation to fulfill its mandate, and has presented me with its final report, complete with extensive findings and comprehensive proposals; and

WHEREAS, the Study Commission's report is based upon a thorough statistical analysis comparing the volume of contract dollars awarded by State agencies to firms owned and operated by minorities and women to the numbers of such firms that are qualified and available to provide goods and services to the State; and

WHEREAS, the Study Commission's report also contains extensive anecdotal and historical evidence revealing widespread discrimination in the marketplace, with which the State passively participates; and

WHEREAS, this compelling statistical and anecdotal evidence establishes a convincing case that firms owned and operated by racial and ethnic minorities, as well as firms owned and operated by women, experience widespread exclusion from the contracting process; and

WHEREAS, I have been advised by the Attorney General that the evidence set forth in the Study Commission's final report supplies a constitutionally permissible basis for establishing a set-aside policy under the strict scrutiny standards enunciated in the *Croson* case; and

WHEREAS, government must take every necessary and practicable step toward eradicating racial, ethnic, and gender discrimination from our society;

NOW, THEREFORE, I, JAMES J. FLORIO, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Pursuant to the Set-Aside Act for Small Businesses, Female Businesses, and Minority Businesses, N.J.S.A. 52:32-17 et seq., the New Jersey Sports and Exhibition Authority Law, N.J.S.A. 5:10-1 et seq., the Casino Control Act, N.J.S.A. 5:12-1 et seq., the New Jersey Wastewater Treatment Trust Act, N.J.S.A. 58:11B-1 et seq., the New Jersey Urban Development Corporation Act, N.J.S.A. 55:19-1 et seq., the New Jersey Local Development Financing Fund Act, N.J.S.A. 34:1B-36, and the New Jersey Transportation Trust Fund Authority Act of 1984, N.J.S.A. 27:1B-1 et seq., every agency, department, and instrumentality of the State of New Jersey that is authorized to award procurement or

construction contracts shall forthwith adopt a set-aside policy in accordance with the foregoing statutory provisions and with this Executive Order.

2. In particular, every such State contracting agency shall adopt a set-aside program that requires the agency to make a good faith effort to award 7% of public procurement and construction contracts and subcontracts to qualified businesses owned and operated by African-Americans, Latinos, and Asian-Americans, and 3% of public procurement and construction contracts and subcontracts to qualified businesses owned and operated by women.

3. These numerical goals shall be pursued to the fullest degree consistent with practicality, and only insofar as to advance the State's interest in awarding contracts to firms with the necessary qualifications, regardless of race, ethnicity, or gender. Furthermore, any set-aside program established as directed by this Order shall specifically authorize the department or agency administering the set-aside program to award contracts regardless of race, ethnicity, or gender, notwithstanding the numerical goals set forth above, whenever qualified minority- or women-owned businesses are unavailable to perform the services or supply the goods sought.

4. Any set-aside program established pursuant to this Order is remedial in nature and in purpose, and therefore shall be in effect with respect to each affected group only until such time as the discriminatory conditions that form the basis of the set-aside program are eradicated.

GIVEN, under my hand and seal this
5th day of March in the Year of Our
Lord, One Thousand Nine Hundred and
Ninety Three, and of the Independence
of the United States, the Two Hundred
and Seventeenth.

/s/ JAMES J. FLORIO
GOVERNOR

Attest:

/s/ M. Robert DeCotiis
Chief Counsel to the Governor

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**State of New Jersey
Executive Order #151**

Governor Jon S. Corzine

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WHEREAS, New Jersey is one of the most racially, culturally, and ethnically diverse states in the United States, and this diversity is reflected in the leaders and owners of its businesses, in the leaders and members of the labor movement, and in the employees in every segment of the workforce; and

WHEREAS, the State's business community includes multi-national enterprises, industrial, commercial, and small business sectors; and

WHEREAS, the State's thousands of small businesses, each with fewer than 100 employees, together generate almost 40% of the jobs in the State; and

WHEREAS, small, minority, and women-owned business enterprises have historically been underrepresented in the receipt of State contract awards; and

WHEREAS, the State's workforce provides New Jersey's multinational enterprises, its industrial, commercial, and small business sectors, and its public and not-for-profit sectors with highly educated, highly skilled, and highly motivated employees, who contribute to the prosperity of the State while supporting their families; and

WHEREAS, in response to the current national recession, the United States Congress enacted the American Recovery and Reinvestment Act of 2009 (ARRA), which will increase federal spending at the State and local levels by approximately \$10 billion, and will fully fund certain work in the State, and partially fund other State projects; and

WHEREAS, given the recession and unemployment levels in New Jersey, it is imperative that every sector of the economy be offered the opportunity to benefit from the federal economic recovery funds and the State's own spending; and

WHEREAS, many of the State's businesses have significant public construction contracts and other contracts to provide goods or services to government and many others would like the opportunity to compete for these contracts to expand their businesses while serving the public; and

WHEREAS, residents of the State of New Jersey deserve a government that provides equal opportunity for all contractors to compete to submit winning bids on public contracts; and

WHEREAS, residents of the State of New Jersey, especially during these difficult economic times, deserve a government that does everything it can to expand job opportunities, particularly for men and women who are entering the workforce, who have experienced difficulties entering the workforce, or who have recently become unemployed or underemployed; and

WHEREAS, the State created an internet site, <http://www.recovery.nj.gov>, which outlines the allocation of New Jersey's share of economic recovery funds under the ARRA; and

WHEREAS, to spend ARRA funds transparently and ensure that those seeking work have a fair chance to obtain ARRA-funded employment, State agencies and entities should be required to post all State and ARRA-funded jobs on the State Job Bank internet site, <http://NJ.gov/JobCentralNJ>, to allow New Jersey residents to identify these employment opportunities; and

WHEREAS, the State must procure its construction services, goods, and other services as efficiently as possible, with transparency in the processing, selection, and awarding of public contracts; and

WHEREAS, robust competition for public contracts ensures that the government of the State of New Jersey obtains the construction services, goods, and other services it needs to perform its vital functions with maximum cost effectiveness; and

WHEREAS, broad and sustained efforts to notify all potential bidders of opportunities to contract with government should be encouraged to promote competition for public contracts, thus benefiting the public fisc; and

WHEREAS, the State of New Jersey commissioned the State of New Jersey Construction Services Disparity Study 2000 – 2002 (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June 2005), and both studies documented significant disparities between the firms ready, willing, and able to do business with the State, and those firms actually awarded contracts by State departments, agencies, authorities, colleges, and universities, as a result of which this Administration created through Executive Order No. 34 (2006) the Division of Minority and Women Business Development (“Division of M/W Business Development”); and

WHEREAS, Executive Order No. 34 charged the Director of the Division of M/W Business Development with monitoring programs to increase the participation of minority and women-owned businesses in the State’s purchasing and procurement processes; and

WHEREAS, since its inception, the Division of M/W Business Development, working with the Department of the Treasury’s Office of Supplier Diversity (“OSD”), has identified strategies to increase the number of small and minority and women-owned businesses interested in and eligible to benefit from state procurement activity; and

WHEREAS, the Division of M/W Business Development and OSD have increased outreach to and expanded the ability of these businesses to fulfill bid requirements for state contracts; and

WHEREAS, the Division of Public Contracts Equal Employment Opportunity Compliance in the Department of the Treasury (Division of Contract Compliance) monitors the employment of women and minorities with businesses that contract with government in an effort to ensure that contractors and vendors make good faith efforts to hire minorities and women in accordance with targeted goals based on the United States Census’ workforce availability statistics;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All members of the public should be afforded the opportunity to benefit from the federal economic recovery funds and associated state spending, and in particular, this Administration re-affirms the State’s commitment, expressed in statute and regulation, that every public contract, whether for construction services, goods, or other services, shall provide equal employment opportunity for women and minorities.
2. The Commissioners of the Departments of Community Affairs, Education, Environmental Protection, and Transportation; the President of the Board of Public Utilities; and the executive directors of the Schools Development Authority and the Economic Development Authority are directed to meet with members of

the Governor's office, the Department of the Treasury, and representatives of the United States Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) to ensure that those departments receiving the bulk of federal economic recovery funds will provide the OFCCP their complete cooperation in complying with its mandates.

3. The Division of Contract Compliance shall be the entity within the Executive Branch responsible for determining whether minorities and women have been offered a fair opportunity for employment on State contracts. Executive branch departments and agencies, independent authorities, and State colleges and universities are directed to cooperate fully with the Division of Contract Compliance's enforcement efforts, consistent with law, and to award public contracts only to those businesses that agree to comply with equal employment opportunity and affirmative action requirements.
4. The Division of Contract Compliance shall work cooperatively with the OFCCP, including sharing its workforce data to the maximum extent permitted by law, to assist the OFCCP in its enforcement efforts.
5. When not restricted by any other State or federal law, the Division of Contract Compliance shall determine whether each of the State entities whose performance it monitors (the "Reporting Agencies" listed in Appendix A to this Order) properly allocated and released to the Department of Labor and Workforce Development, as authorized by law, one-half of one percent of the total cost of a construction contract of \$1,000,000 or more, to be used by the department for the New Jersey Builders Utilization Initiative for Labor Diversity program to train minorities and women for employment in construction trades. This provision shall apply to those construction contracts where the funding for the contract consists entirely of appropriated funds or a combination of funds from appropriated funds and other sources.
6. As a result of the aforementioned significant disparities in employment of minorities and women on construction sites and within the construction trades, all construction contracts entered into and funded, in whole or in part, by the State shall include mandatory EEO/AA contract language (in the form of Appendix B to this Order) that requires contractors to make a good faith effort to recruit and employ minorities and women as required by provisions of the Administrative Code, including but not limited to N.J.A.C. 17:27-3.6 to 3.8, and 17:27-7.3 and 7.4. In addition to the language set forth in Appendix B, such construction contracts shall contain the contractual language as required by N.J.A.C. 17-27-3.6, 3.7, and 3.8. As to the portion of each contract that is State funded, the language of the contract shall provide, consistent with Appendix B, that payment may be withheld for failure of the contractor to demonstrate to the satisfaction of the Reporting Agency that the required good faith effort was made. Failure of a contractor to satisfy the good faith effort requirement of its contract may also subject it to assessments imposed pursuant to findings of the Division of Contract Compliance in the Department of the Treasury, in accordance with N.J.A.C. 17:27-10.
7. Except as described in subparagraphs (a) and (b) of this paragraph, each Executive Branch agency that is a recipient of federal economic recovery funds pursuant to ARRA shall include in any contract, grant, or agreement funded in whole or in part with ARRA funds a clause requiring subrecipients, contractors, subcontractors, local education agencies, and vendors to post all job openings created pursuant to the contract, grant, or agreement on the State's Job Bank at least 14 days before hiring is to commence. The clause shall state: "Since the funds supporting this contract, grant, or agreement are provided through the American Recovery and Reinvestment Act of 2009 (ARRA), the subrecipient, contractor, subcontractor, local education agency, or vendor will post any jobs that it creates or seeks to fill as a result of this contract, grant, or agreement. The subrecipient, contractor, subcontractor, local education agency, or vendor will post jobs to the New Jersey State Job Bank by submitting a job order using the form available at <http://NJ.gov/JobCentralNJ>, notwithstanding any other posting the subrecipient, contractor, subcontractor, local education agency, or vendor might make. Any advertisements posted by the subrecipient, contractor, subcontractor, local education agency, or vendor for positions pursuant to this contract, grant, or agreement must indicate that the position is funded with ARRA funds."

a. Posting shall not be required where the employer intends to fill the job opening with a present employee, a laid-off former employee, or a job candidate from a previous recruitment, where pre-existing, legally binding collective bargaining agreements provide otherwise, or where an exception has been granted to the Reporting Agency by the Department of Labor and Workforce Development.

b. Nothing in this Order shall be interpreted to require the employment of apprentices if such employment may result in the displacement of journey workers employed by any employer, contractor or subcontractor.

8. All local government entities and local education agencies that have received or will receive directly from a federal agency federal economic recovery funds are strongly encouraged to require their contractors and subcontractors to post job openings on the State's Job Bank at least 14 days before hiring is to commence. Moreover, all New Jersey employers that enter into contracts funded with ARRA funds received by a local government entity or a local education agency directly from a federal agency are likewise strongly encouraged to post job openings created pursuant to the ARRA.

9. The Division of M/W Business Development shall send to the Reporting Agencies the contractual language set forth in Appendix C of this Order. Provisions of this contractual language have been shown to have a significant impact on (a) increasing the number of small and minority and women-owned businesses aware of contracting opportunities with the State and (b) increasing the number of such businesses competing for contracts with the State or subcontracts with entities contracting with the State. The Division of M/W Business Development shall work with each Reporting Agency to ensure the reporting of and ensure compliance with contract-specific contracting and subcontracting goals for the Reporting Agency that are consistent with the availability percentages set forth in Appendix D. These goals should incorporate good faith effort requirements and should be adjusted annually, consistent with the availability of minority and women-owned businesses for which significant disparities in utilization have been demonstrated in each business category.

10. Each Reporting Agency shall:

a. Inform the Division of M/W Business Development of contracting opportunities at the same time that it advertises or otherwise posts public notices of such opportunities, via consistent and timely upload of all-inclusive information to the bid opportunities database services managed by the Division of M/W Business Development. All pre-bid requirements shall be prominently advertised at the time of uploading to the Division of M/W Business Development databases;

b. Actively and regularly use the databases and other on-line services managed and operated by the Division of M/W Business Development to identify additional potential bidders. Because these databases and on-line services identify minority and women-owned businesses known to and registered or certified with the Division of M/W Business Development, the ongoing use of these resources by buyers, procurement agents, and other purchasing staff shall be closely monitored by the Reporting Agency's senior management;

c. Contact the businesses identified in the Division of M/W Business Development's databases and on-line services to provide them with notice of the contracting opportunities available through the Reporting Agency; and

d. Report to the Division of M/W Business Development all payments and awards prime contractors have issued to subcontractors, identifying payments and awards to minority and women-owned businesses on at least a quarterly basis.

11. To the maximum extent practicable, and when not restricted by any other State or federal law, each Reporting Agency shall incorporate the substance of the contractual language set forth in Appendix C into

its contracts, while continuing to follow the particular State and federal laws and regulations governing its contracting and procurement practices.

12. Each Reporting Agency shall, where substitution of subcontractors or sub-consultants is permitted, promulgate policies governing the circumstances under which contractors or consultants may substitute subcontractors or sub-consultants named in bid proposals or otherwise identified as small or women or minority-owned business subcontractors, sub-consultants, or vendors ("Substitution Policies"). The Substitution Policies shall provide that:

- a. The contractor or consultant must notify and obtain approval from a small or women or minority-owned business subcontractor, sub-consultant, or vendor ("SMWBE contractor") before including that contractor in a bid proposal or similar contract-related submission;
- b. The contractor or consultant must notify and obtain authorization from the Reporting Agency before it substitutes a SMWBE contractor named in a bid proposal or other contract-related submission; and
- c. If the substitution is approved, the contractor or consultant shall make a good faith effort to utilize another SMWBE contractor in place of the previous SMWBE contractor.

13. Each Reporting Agency shall report to the Division of M/W Business Development when it has incorporated the language set forth in Appendix C in its contracts. It shall also report to the Division of M/W Business Development when it has adopted its Substitution Policy, where such policy is permitted. The Division of M/W Business Development shall report on the number of Reporting Agencies that have modified their contracts and adopted a Substitution Policy at three month intervals until all of the Reporting Agencies have completed incorporation of the contractual language set forth in Appendix C and, where legally permitted, adoption of the Substitution Policy.

14. Nothing in this Order shall modify existing law, state or federal, or authorize a Reporting Agency to amend, modify, or otherwise alter pre-existing legal obligations. Further, this Order shall be interpreted consistently with the ARRA, and the federal regulations and guidelines governing its implementation, and in the event of a conflict between this Order and federal law governing ARRA, the Order shall be interpreted to comply with federal law.

15. Within 90 days of the date of this Order, the Division of M/W Business Development shall prepare a Contracting Guide identifying the management practices that have the greatest success in: (a) increasing the number of small and minority and women-owned businesses made aware of contracting opportunities with the State; and (b) increasing the number of such businesses competing for contracts with the state or subcontracts with entities contracting with the state. As soon as practicable thereafter, the Division of M/W Business Development shall distribute the Contracting Guide to the Reporting Agencies.

16. As soon as practicable after its receipt of the Contracting Guide, each Reporting Agency shall implement those provisions that it views as most likely to have the greatest impact in increasing contracting opportunities for small and minority and women-owned businesses.

17. Within one year and ninety days of the effective date of this Order, the Division of M/W Business Development and the Division of Contract Compliance shall each prepare a report describing the Reporting Agencies' implementation of this Order. The Division of M/W Business Development and the Division of Contract Compliance each shall prepare a second report within one year of issuing its first report.

18. The Department of Labor and Workforce Development shall work together with all other Reporting Agencies that will receive ARRA funding and with the representatives of the United States Environmental

Protection Agency, the Federal Departments of Labor, Energy, Transportation, and Housing and Urban Development, and any other federal agencies distributing ARRA funds to:

- a. Coordinate with labor unions that will aggressively recruit minorities and women for apprenticeships and training opportunities;
- b. Increase outreach to and enrollment of minorities and women in apprenticeship, training, and related programs; and
- c. Ensure that, to the greatest extent possible under the law, minorities and women apprentices and trainees are working on State and ARRA-funded work sites.

19. The Department of the Treasury and other departments, agencies, and independent authorities shall, consistent with law, take steps to increase their engagement of small, minority, or women-owned or controlled banks and credit unions to meet their financial services needs.

20. This Order shall take effect immediately.

GIVEN, under my hand and seal this 28th day of August
Two Thousand and Nine, and of the Independence of
the United States, the Two Hundred and Thirty-Fourth.

/s/ Jon S. Corzine

Governor

[seal]

Attest:

/s/ Kay Walcott-Henderson

First Assistant Chief Counsel

APPENDIX A

LIST OF REPORTING AGENCIES

Board of Public Utility Commissioners
Casino Control Commission
Casino Reinvestment Development Authority
Commission on Higher Education
Commission on Science & Technology
Council on Affordable Housing
Department of Agriculture
Department of Military & Veterans' Affairs
Department of Banking & Insurance
Department of Children & Families
Department of Community Affairs
Department of Corrections
Department of Education

Department of Environmental Protection
Department of Health and Senior Services
Department of Human Services
Department of Labor and Workforce Development
Department of Law & Public Safety
Department of Public Advocate
Department of State
Department of Transportation
Department of the Treasury
Division of Property Management and Construction
Election Law Enforcement Commission
Fort Monmouth Economic Revitalization Planning Authority
Garden State Preservation Trust
Higher Education Student Assistance Authority
Kean University
Legalized Games of Chance Control Commission
Montclair State University
Motion Picture Commission
Motor Vehicle Commission
New Jersey City University
New Jersey Cultural Trust
New Jersey Institute of Technology
New Jersey Transit
NJ Building Authority
NJ Economic Development Authority
NJ Educational Facilities Authority
NJ Environmental Infrastructure Trust
NJ Health Care Facilities Financing Authority
NJ Highlands Council
NJ Housing & Mortgage Finance Agency
NJ Maritime Pilot and Docking Pilot Commission
NJ Meadowlands Commission
NJ Pinelands Commission
NJ Public Television & Radio (NJN) NJ Racing Commission NJ Redevelopment Authority
NJ Schools Development Authority
NJ Sports & Exposition Authority
NJ State Museum
NJ Turnpike Authority
NJ Water Supply Authority
North Jersey Transportation Planning Authority
North Jersey District Water Supply Commission
Office of Homeland Security
Office of Information Technology
Office of the Child Advocate
Office of the Inspector General
Office of the Public Defender
Ramapo College
Rowan University
Rutgers University
South Jersey Port Corporation
South Jersey Transportation Authority

South Jersey Transportation Planning Organization
State Agriculture Development Committee
State Economic Recovery Board For Camden
State Ethics Commission
State Employment & Training Commission
State Lottery Commission
Stockton College
The College of New Jersey
Thomas Edison State College
Transportation Trust Fund Authority
University of Medicine & Dentistry of New Jersey
William Paterson University

APPENDIX B

It is the policy of the [Reporting Agency] that its contracts should create a workforce that reflects the diversity of the State of New Jersey. Therefore, contractors engaged by the [Reporting Agency] to perform under a construction contract shall put forth a good faith effort to engage in recruitment and employment practices that further the goal of fostering equal opportunities to minorities and women.

The contractor must demonstrate to the [Reporting Agency]'s satisfaction that a good faith effort was made to ensure that minorities and women have been afforded equal opportunity to gain employment under the [Reporting Agency]'s contract with the contractor. Payment may be withheld from a contractor's contract for failure to comply with these provisions.

Evidence of a "good faith effort" includes, but is not limited to:

1. The Contractor shall recruit prospective employees through the State Job bank website, managed by the Department of Labor and Workforce Development, available online at <http://NJ.gov/JobCentralNJ>.
2. The Contractor shall keep specific records of its efforts, including records of all individuals interviewed and hired, including the specific numbers of minorities and women.
3. The Contractor shall actively solicit and shall provide the [Reporting Agency] with proof of solicitations for employment, including but not limited to advertisements in general circulation media, professional service publications and electronic media.
4. The Contractor shall provide evidence of efforts described at 2 above to the [Reporting Agency] no less frequently than once every 12 months.
5. The Contractor shall comply with the requirements set forth at N.J.A.C. 17:27.

APPENDIX C

It is the policy of the [Reporting Agency] that small businesses (each a "small business enterprise" or "SBE"), as determined and defined by the State of New Jersey, Division of Minority and Women Business Development ("Division") and the New Jersey Department of the Treasury ("Treasury") in N.J.A.C. 17:14 et seq. or other application regulation, should have the opportunity to participate in [Reporting Agency] Contracts.

To the extent the Firm engages subcontractors or sub-consultants to perform Services for the [Reporting Agency] pursuant to this Contract, the Firm must demonstrate to the [Reporting Agency]'s satisfaction that a good faith effort was made to utilize subcontractors and sub-consultants who are registered with the

Division as SBEs. Furthermore, the Reporting Agency shall be evaluated quarterly by the Division, based on its attainment of the Participation Goals set forth in the State of New Jersey Construction Services Disparity Study (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June, 2005). (These participation goals are set forth below.)

Evidence of a "good faith effort" includes, but is not limited to:

1. The Firm shall request listings of SBEs from the Division (609) 292-2146 and/or the [Reporting Agency] and attempt to contact same.
2. The Firm shall keep specific records of its efforts, including records of all requests made to the Division, the names of SBEs contacted, and the means and results of such contacts, including without limitation receipts from certified mail and telephone records.
3. The Firm shall actively solicit and shall provide the [Reporting Agency] with proof of solicitations of SBEs for the provision of Services, including advertisements in general circulation media, professional service publications and small business, minority-owned business or women-owned business focus media.
4. The Firm shall provide evidence of efforts made to identify categories of Services capable of being performed by SBEs.
5. The Firm shall provide all potential subcontractors and sub-consultants that the Firm has contacted pursuant to 2 or 3 above with detailed information regarding the scope of work of the subject contract.
6. The Firm shall provide evidence of efforts made to use the goods and/or services of available community organizations, consultant groups, and local, State, and federal agencies that provide assistance in the recruitment and placement of SBEs.

Furthermore, the Firm shall submit proof of its subcontractors' and/or sub-consultants' SBE registrations on the form attached as Exhibit __, and shall complete such other forms as may be required by the [Reporting Agency] for State reporting as to participation.

Participation Goals

1. Construction Services Contracts/Subcontracts (including new construction and renovations, except routine building maintenance; residential and non-residential building construction; heavy construction, such as streets, roads and bridges; and special trade construction, such as fencing, HVAC, paving and electrical).

(a) State Agencies/Authorities/Commissions

African Americans -- 6.3%

Asian Americans -- 4.34%

(b) State Colleges and Universities

African Americans -- 6.3%

Asian Americans -- 4.34%

Caucasian Females -- 12.67%

2. Construction-Related Services Contracts/Subcontracts (including design services, such as architectural, engineering and construction management services, that are performed as part of a construction project).

State Colleges and Universities

African Americans -- 4.51%

Asian Americans -- 7.11%

Hispanics -- 4.09%

3. Professional Services (with the exception of those professional services deemed to be construction-related, all services that are of a professional nature and requiring special licensing, education degrees and/or very highly specialized expertise, including accounting and financial services, advertising services, laboratory testing services; legal services; management consulting services; technical services and training).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.47%

Asian Americans -- 1.47%

Hispanics -- 1.1%

Native Americans -- 0.07%

Caucasian Females -- 3.74%

4. Other Services (any service that is labor-intensive and neither professional nor construction-related, including, but not limited to equipment rental; janitorial and maintenance services; landfill services; laundry and dry cleaning; maintenance and repairs; printing; real property services; security services; special department supplies; subsidy, care and support; telecommunications; and temporary help).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 1.22%

Asian Americans -- 0.85%

Hispanics -- 0.67%

Native Americans -- 0.05%

Caucasian Females -- 1.96%

5. Goods and Commodities (equipment and consumable items purchased in bulk, or a deliverable product including, but not limited to automobiles and equipment; chemicals and laboratory supplies, construction materials and supplies; equipment parts and supplies; fuels and lubricants; janitorial and cleaning supplies; office equipment; office supplies; radio equipment; special department supplies; technical supplies; tires and tubes; traffic signals; and uniforms).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.71%

Asian Americans -- 1.74%

Hispanics -- 1.32%

Native Americans -- 0.10%

Caucasian Females -- 4.45%

Appendix D

Consistent with the findings of the State of New Jersey Construction Services Disparity Study (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June 13, 2005), each Reporting Agency should aspire to allocate a portion of its total contracting dollars in accordance with the following goals.

1. Construction Services Contracts/Subcontracts (including new construction and renovations, except routine building maintenance; residential and non-residential building construction; heavy construction, such as streets, roads and bridges; and special trade construction, such as fencing, HVAC, paving and electrical).

(c) State Agencies/Authorities/Commissions

African Americans -- 6.3%

Asian Americans -- 4.34%

(d) State Colleges and Universities

African Americans -- 6.3%

Asian Americans -- 4.34%

Caucasian Females -- 12.67%

2. Construction-Related Services Contracts/Subcontracts (including design services, such as architectural, engineering and construction management services, that are performed as part of a construction project).

State Colleges and Universities

African Americans -- 4.51%

Asian Americans -- 7.11%

Hispanics -- 4.09%

2. Professional Services (with the exception of those professional services deemed to be construction-related, all services that are of a professional nature and requiring special licensing, education degrees and/or very highly specialized expertise, including accounting and financial services, advertising services, laboratory testing services; legal services; management consulting services; technical services and training).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.47%

Asian Americans -- 1.47%

Hispanics -- 1.1%

Native Americans -- 0.07%

Caucasian Females -- 3.74%

3. Other Services (any service that is labor-intensive and neither professional nor construction-related, including, but not limited to equipment rental; janitorial and maintenance services; landfill services; laundry and dry cleaning; maintenance and repairs; printing; real property services; security services; special department supplies; subsidy, care and support; telecommunications; and temporary help).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 1.22%

Asian Americans -- 0.85%

Hispanics -- 0.67%

Native Americans -- 0.05%

Caucasian Females -- 1.96%

4. Goods and Commodities (equipment and consumable items purchased in bulk, or a deliverable product including, but not limited to automobiles and equipment; chemicals and laboratory supplies, construction

materials and supplies; equipment parts and supplies; fuels and lubricants; janitorial and cleaning supplies; office equipment; office supplies; radio equipment; special department supplies; technical supplies; tires and tubes; traffic signals; and uniforms).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.71%

Asian Americans -- 1.74%

Hispanics -- 1.32%

Native Americans -- 0.10%

Caucasian Females -- 4.45%

GIVEN, under my hand and seal this 28th day of August
Two Thousand and Nine, and of the Independence of
the United States, the Two Hundred and Thirty-Fourth.

/s/ Jon S. Corzine

Governor

[seal]

Attest:

/s/ Kay Walcott-Henderson

First Assistant Chief Counsel

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OWNERSHIP DISCLOSURE FORM

BID SOLICITATION #: _____ **VENDOR {BIDDER}:** _____

PART 1

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

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

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

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

PART 2

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

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

INDIVIDUALS

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

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

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

Attach Additional Sheets If Necessary.

PART 2 continued
PARTNERSHIPS/CORPORATIONS/LIMITED LIABILITY COMPANIES

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

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

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

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

Attach Additional Sheets If Necessary.

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

CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor {Bidder}, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein, and that the Vendor {Bidder} is under a continuing obligation from the date of this certification through the completion of any contract(s) with the 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. If I do so, I will be subject to criminal prosecution under the law, and it will constitute a material breach of my agreement(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

 Signature (Do not enter vendor ID as a signature)

 Date

 Print Name and Title

 FEIN/SSN

INFORMATION AND INSTRUCTIONS

For Completing the “Two-Year Chapter 51/Executive Order 333 Vendor Certification and Disclosure of Political Contributions for Non-Fair and Open Contracts” Form

Background Information

New Jersey law insulates the negotiation and award of State contracts from political contributions that posed a risk of improper influence, purchase of access or the appearance thereof. P.L.2005, c.51, as amended by the Elections Transparency Act, P.L.2023, c.30, codified at N.J.S.A. 19:44A-20.13 to 20.25 (“Chapter 51”) and Executive Order No. 333 (2023).

For Contracts Awarded Pursuant to a Fair and Open Process

Pursuant to P.L.2005, c.51, as amended by the Elections Transparency Act, P.L.2023, c.30, codified at N.J.S.A. 19:44A-20.13 to 20.25 (“Chapter 51”), and Executive Order No. 333 (2023), contracts awarded pursuant to a fair and open process do **not** require a certification or disclosure of any solicitation or contribution of money, or pledge of contribution, including in-kind contributions.

For Contracts Awarded Pursuant to a Non-Fair and Open Process

Pursuant to P.L.2005, c.51, as amended by the Elections Transparency Act, P.L.2023, c.30, codified at N.J.S.A. 19:44A-20.13 to 20.25 (“Chapter 51”), and Executive Order No. 333 (2023), the State shall not enter into a Contract to procure services or any material, supplies or equipment, or to acquire, sell, or lease any land or building from any Business Entity, where the value of the transaction exceeds \$17,500, if that Business Entity has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions, to a Continuing Political Committee or to a candidate committee and/or election fund of any candidate for or holder of the public office of Governor during certain specified time periods.

Definitions:

A “fair and open process” means, at a minimum, that the contract shall be: publicly advertised in newspapers or on the Internet website maintained by the public entity in sufficient time to give notice in advance of the contract; awarded under a process that provides for public solicitation of proposals or qualifications and awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications; and publicly opened and announced when awarded. A contract awarded under a process that includes public bidding or competitive contracting pursuant to State contracts law shall constitute a fair and open process. N.J.S.A. 19:44A-20.23 (P.L.2005, c.51, rev. P.L.2023, c.30).

A “Continuing Political Committee” means any political organization (a) organized under section 527 of the Internal Revenue Code; and (b) consisting of any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least \$5,500 to the aid or promotion of the candidacy of an individual, or of the candidacies of individuals, for elective public office, or the passage or defeat of a public question or public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined to be a continuing political committee by the New Jersey Election Law Enforcement Commission under N.J.S.A.19:44A-8(b)(8). A Continuing Political Committee does not include a “political party committee,” a “legislative leadership committee,” or an “independent expenditure committee,” as defined in N.J.S.A. 19:44A-3.

Two-Year Certification Process

Upon approval by the State Chapter 51 Review Unit, the Certification and Disclosure of Political Contributions form **for Non-Fair and Open Contracts** is valid for a two (2) year period. Thus, if a Business Entity and/or vendor receives approval on January 1, 2022, the certification expiration date would be December 31, 2023. Any change in the Business Entity’s ownership status and/or political contributions during the two-year period will require the submission of new Chapter 51 forms to the contracting State Agency. **Please note that it is the Business Entity’s responsibility to file new forms with the State should these changes occur.**

State Agency Instructions

Prior to the awarding of a contract, the State Agency should first use NJSTART (<https://www.njstart.gov/bsol/>) to check the status of a Business Entity's Chapter 51 certification before contacting the Review Unit's mailbox at CD134@treas.nj.gov. If the State Agency does not find any Chapter 51 Certification information in NJSTART and/or the Business Entity is not registered in NJSTART, then the State Agency should send an e-mail to CD134@treas.nj.gov to verify the certification status of the Business Entity. If the response is that the Business Entity is NOT within an approved two-year period, then forms must be obtained from the Business Entity and forwarded for review. If the response is that the Business Entity is within an approved two-year period, then the response so stating should be placed with the bid/contract documentation for the subject project.

Instructions for Completing the Form

"For State Use Only" box

This box/section should **only** be filled out by the contracting State agency.

The contracting State agency must check the box indicating whether this is a fair and open contract. Please note that if the answer is **YES**, the **Chapter 51 form is not required** and should not be submitted as per the Elections Transparency Act, P.L.2023, c.30, codified at N.J.S.A. 19:44A-20.13 to 20.25 ("Chapter 51") and Executive Order No. 333 (2023).

NOTE: Parts 1, 2 and 3 of the form should be filled out the Business Entity.

Part 1: BUSINESS ENTITY INFORMATION

Business Name – Enter the full legal name of the Business Entity, including trade name if applicable.

Address, City, State, Zip and Phone Number – Enter the Business Entity's street address, city, state, zip code and telephone number.

Vendor Email – Enter the Business Entity's primary email address.

Vendor FEIN – Please enter the Business Entity's Federal Employment Identification Number.

Business Type – Check the appropriate box that represents the Business Entity's type of business formation.

Listing of officers, shareholders, partners or members – Based on the box checked for the business type, provide the corresponding information. (A complete list must be provided.)

Part 2: DISCLOSURE OF CONTRIBUTIONS

Read the two (2) types of political contributions that require disclosure and, if applicable, provide the recipient's information.

Name of Recipient – Enter the full legal name of the recipient.

Address of Recipient – Enter the recipient's street address.

Date of Contribution – Indicate the date the contribution was given.

Amount of Contribution – Enter the dollar amount of the contribution.

Type of Contribution – Select the type of contribution from the examples given.

Contributor's Name – Enter the full name of the contributor.

Relationship of the Contributor to the Vendor – Indicate the relationship of the contributor to the Business Entity. (e.g., officer or shareholder of the company, partner, member, parent company of the vendor, subsidiary of the vendor, etc.)

NOTE: If form is being completed electronically, click "Add a Contribution" to enter additional contributions. Otherwise, please attach additional pages as necessary.

Check the box under the recipient information within Part 2 if no reportable contributions have been solicited or made by the Business Entity. **This box must be checked if there are no contributions to report.**

Part 3: CERTIFICATION

Check Box A if the representative completing the Certification and Disclosure form is doing so on behalf of the Business Entity and all individuals and/or entities whose contributions are attributable to the Business Entity. No additional Certification and Disclosure forms are required if BOX A is checked.

Check Box B if the representative completing the Certification and Disclosure form is doing so on behalf of the Business Entity and all individuals and/or entities whose contributions are attributable to the Business Entity with the exception of those individuals and/or entities that submit their own separate form. For example, the representative is not signing on behalf of the vice president of a corporation, but all others. The vice president completes a separate Certification and Disclosure form. **Additional Certification and Disclosure forms are required from those individuals and/or entities that the representative is not signing on behalf of and are included with the business entity's submittal.**

Check Box C if the representative completing the Certification and Disclosure form is doing so on behalf of the Business Entity only. Additional Certification and Disclosure forms are required from all individuals and/or entities whose contributions are attributable to the Business Entity and must be included with the Business Entity submittal.

Check Box D when a sole proprietor is completing the Certification and Disclosure form or when an individual or entity whose contributions are attributable to the Business Entity is completing a separate Certification and Disclosure form.

Read the five statements of certification prior to signing.

The representative authorized to complete the Certification and Disclosure form must sign and print her/his name, title or position and enter the date.

State Agency Procedure for Submitting Form(s)

The State Agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms either electronically to: cd134@treas.nj.gov or regular mail at: Chapter 51 Review Unit, P.O. Box 230, 33 West State Street, Trenton, NJ 08625-0230. Original forms should remain with the State Agency and copies should be sent to the Chapter 51 Review Unit.

Business Entity Procedure for Submitting Form(s)

- The Business Entity should return this form to the contracting State Agency.
- The Business Entity should also submit the Certification and Disclosure form directly to the Chapter 51 review Unit only when:
- The Business Entity is approaching its two-year certification expiration date and is seeking certification renewal;
- The Business Entity had a change in its ownership structure; OR
- The Business Entity made any contributions during the period in which its last two-year certification was in effect, or during the term of a contract with a State Agency.

Questions & Information

Questions regarding Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13) as amended by the Elections Transparency Act, P.L.2023, c.30, codified at N.J.S.A. 19:44A-20.13 to 20.25 ("Chapter 51") and Executive Order No. 333 (2023) or may be submitted electronically through the Division of Purchase and Property website at: <https://www.state.nj.us/treas/purchase/eo333questions.shtml>.

Reference materials and forms are posted on the Political Contributions Compliance website at: <https://www.state.nj.us/treasury/purchase/execorder333.shtml>.

Two-Year Chapter 51 /Executive Order 333 Vendor Certification and Disclosure of Political Contributions for Non-Fair and Open Contracts

FOR STATE USE ONLY

Solicitation, RFP, or Contract No. _____ Award Amount _____

Is the contract being awarded pursuant to a "fair and open process" pursuant to P.L.2023, c.30? Yes No

Description of Services _____

State Agency Name _____ Contact Person _____

Phone Number _____ Contact Email _____

Check if the Contract / Agreement is Being Funded Using FHWA Funds

**Please check if requesting
recertification**

Part 1: Business Entity Information

Full Legal Business Name _____
(Including trade name if applicable)

Address _____

City _____ State _____ Zip _____ Phone _____

Vendor Email _____ Vendor FEIN (SS# if sole proprietor/natural person) _____

**Check off the business type and list below the required information for the type of business selected.
MUST BE COMPLETED IN FULL**

- Corporation: LIST ALL OFFICERS and any 10% and greater shareholder (If the corporation only has one officer, please write "sole officer" after the officer's name.)
- Professional Corporation: LIST ALL OFFICERS and ALL SHAREHOLDERS
- Partnership: LIST ALL PARTNERS with any equity interest
- Limited Liability Company: LIST ALL MEMBERS with any equity interest
- Sole Proprietor

Note: "Officers" means President, Vice President with senior management responsibility, Secretary, Treasurer, Chief Executive Officer or Chief Financial Officer of a corporation, or any person routinely performing such functions for a corporation.

Also Note: "N/A will not be accepted as a valid response. Where applicable, indicate "None."

All Officers of a Corporation or PC

**10% and greater shareholders of a corporation
or all shareholders of a PC**

All Equity partners of a Partnership

All Equity members of a LLC

If you need additional space for listing of Officers, Shareholders, Partners or Members, please attach separate page.

Part 2: Disclosure of Contributions by the Business Entity or any person or entity whose contributions are attributable to the Business Entity.

1. Report below all contributions solicited or made during the 4 years immediately preceding the commencement of negotiations or submission of a proposal to any:

Political organization organized under Section 527 of the Internal Revenue Code and which also meets the definition of a continuing political committee as defined in N.J.S.A. 19:44A-3(n).

2. Report below all contributions solicited or made during the 5 ½ years immediately preceding the commencement of negotiations or submission of a proposal to any:

Candidate Committee for or Election Fund of any Gubernatorial candidate.

Full Legal Name of Recipient _____
Address of Recipient _____
Date of Contribution _____ Amount of Contribution _____
Type of Contribution (i.e. currency, check, loan, in-kind) _____
Contributor Name _____
Relationship of Contributor to the Vendor _____
If this form is not being completed electronically, please attach additional contributions on separate page. Click the "Add a Contribution" tab to enter additional contributions.
<input type="button" value="Remove Contribution"/>

Full Legal Name of Recipient _____
Address of Recipient _____
Date of Contribution _____ Amount of Contribution _____
Type of Contribution (i.e. currency, check, loan, in-kind) _____
Contributor Name _____
Relationship of Contributor to the Vendor _____
If this form is not being completed electronically, please attach additional contributions on separate page. Click the "Add a Contribution" tab to enter additional contributions.
<input type="button" value="Remove Contribution"/>
<input type="button" value="Add a Contribution"/>

Check this box only if no political contributions have been solicited or made by the business entity or any person or entity whose contributions are attributable to the business entity.

Part 3: Certification (Check one box only)

- (A) I am certifying on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity as listed on Page 1 under **Part 1: Vendor Information**.
- (B) I am certifying on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity as listed on Page 1 under **Part 1: Vendor Information**, except for the individuals and/or entities who are submitting separate Certification and Disclosure forms which are included with this submittal.
- (C) I am certifying on behalf of the business entity only; any remaining persons or entities whose contributions are attributable to the business entity (as listed on Page 1) have completed separate Certification and Disclosure forms which are included with this submittal.
- (D) I am certifying as an individual or entity whose contributions are attributable to the business entity.

I hereby certify as follows:

- 1. I have read the Information and Instructions accompanying this form prior to completing the certification on behalf of the business entity.**
- 2. All reportable contributions made by or attributable to the business entity have been listed above.**

3. The business entity has not knowingly solicited or made any contribution of money, pledge of contribution, including in-kind contributions, that would bar the award of a contract to the business entity unless otherwise disclosed above:

- a) Within the 18 months immediately preceding the commencement of negotiations or submission of a proposal for the contract or agreement to a candidate committee or election fund of any candidate for the public office of Governor or election fund of holder of public office of Governor.
- b) During the term of office of the current Governor to a candidate committee or election fund of a holder of the public office of Governor.
- c) Within the 18 months immediately preceding the last day of the sitting Governor's first term of office to a candidate committee or election fund of the incumbent Governor.

4. During the term During the term of the contract/agreement the business entity has a continuing responsibility to report, by submitting a new Certification and Disclosure form, any contribution it solicits or makes to any candidate committee or election fund of any candidate or holder of the public office of Governor.

The business entity further acknowledges that contributions solicited or made during the term of the contract/agreement may be determined to be a material breach of the contract/agreement.

5. During the two-year certification period the business entity will report any changes in its ownership structure (including the appointment of an officer within a corporation) by submitting a new Certification and Disclosure form indicating the new owner(s) and reporting said owner(s) contributions.

I certify that the foregoing statements in Parts 1, 2 and 3 are true. I am aware that if any of the statements are willfully false, I may be subject to punishment.

Signed Name _____ Print Name _____

Title/Position _____ Date _____

Procedure for Submitting Form(s)

The contracting State Agency should submit this form to the Chapter 51 Review Unit when it has been required as part of a contracting process. The contracting State Agency should submit a copy of the completed and signed form(s), to the Chapter 51 Unit and retain the original for their records.

The Business Entity should return this form to the contracting State Agency. The Business Entity can submit this form directly to the Chapter 51 Review Unit only when it:

- Is approaching its two-year certification expiration date and wishes to renew certification;
- Had a change in ownership structure; OR
- Made any contributions during the period in which its last two-year certification was in effect, or during the term of a contract with a State Agency.

Forms should be submitted either electronically to: cd134@treas.nj.gov , or regular mail at: Chapter 51 Review Unit, P.O. Box 230, 33 West State Street, Trenton, NJ 08625.