

# Willingboro Municipal Utilities Authority

The Willingboro Municipal Utilities Authority (“WMUA” or “Authority”) solicits statements of qualification for applicants for appointment as the Qualified Purchasing Agent.

Responses should address the general criteria and mandatory minimum criteria for the position sought. All responses to this Request for Qualifications (“RFQ”) will be treated as confidential and reviewed only by representatives of the WMUA unless otherwise required by law.

Responses must be received at

WMUA, Secretary to the Board of Commissioners

433 John F. Kennedy Way

Willingboro, New Jersey 08046

**No later than 12:00 PM Thursday, February 8, 2024.**

All responses shall be opened, and the name of each responding entity shall be announced publicly, immediately thereafter by the Executive Director or Secretary to the Board of Directors, or their designee. Responses will be reviewed by the WMUA, and all appointments will be announced at a public meeting. At the discretion of the WMUA, unless otherwise noted, appointments shall be for the period March 1, 2024, through February 28, 2025, and subject to the execution of an appropriate contract.

## General Proposal Requirements

The request for qualifications is to be formatted as follows to assure consistency:

Section A. Understanding of the scope of services to be provided to the WMUA.

Section B. Company information, including general information, size, number of employees, years in business, full name of the individual submitting the proposal, and the full name of the key contact person.

Section C. Resume & qualifications for key personnel proposed to work with WMUA. Including a description of each individual’s qualifications, including education, licensure, and years of professional experience (please include copies of licenses held). If any personnel are contractors or subcontractors, indicate how long the individual has been providing services through the bidder.

Section D. At least three (3) and no more than seven (7) client references for the bidder with contact name, telephone number, and email at municipalities and/or municipal agencies served within the last five (5) years.

Section E. Conflict of Interest(s): This section should disclose any potential conflicts of interest that the bidder may have in performing these services for the WMUA.

Section F. A copy of a proposed form of contract.

Section G. Required Evidence: Checklist followed by required forms.

Section H. Miscellaneous/Other information (This section is for any further pertinent data and information not included elsewhere in the RFQ and found necessary by the proposer).

Section I. Fee structure of all personnel who will provide services and fees for out-of-pocket expenses. Fees may be proposed as hourly to the nearest tenth of an hour or flat rate for per diem or monthly billing or any combination thereof.

### **Miscellaneous Requirements**

1. The WMUA will not be responsible for any expenses incurred by any bidder in preparing or submitting a proposal. All proposals shall provide a straightforward, concise delineation of the bidder's capabilities to attest to the requirements of this Request for Qualifications. Emphasis should be on completeness and clarity of content.
2. The contents of the proposal submitted by the successful bidder(s) and this Request for Qualifications may become part of the contract for these services. The successful bidder(s) will be expected to execute said contract with the WMUA.
3. The original Proposal shall be signed in ink by the individual or authorized principal of the responding party. Proposals submitted shall be valid for a minimum of 60 days from the date of opening.
4. The WMUA reserves the right to reject any and all proposals received because of this Request for Qualifications or to negotiate separately in any manner necessary to serve the best interests of the Authority. Bidders whose proposals are not accepted will be notified in writing.
5. Any selected bidder is prohibited from assigning, transferring, conveying, subletting, or otherwise disposing of this Agreement of its rights, title, or interest therein or its power to execute such agreement to any other person, company or corporation without the prior written consent of the Authority.
6. The following required evidence shall be provided in the proposal.
  - a. Checklist of Required Evidence
  - b. Fair Inclusion Questionnaire
  - c. Taxpayer Identification (W-9)
  - d. Certificate of Insurance
  - e. Business Registration Certificate
  - f. Disclosure of Ownership
  - g. False Statement of Penalties Certification
  - h. Affidavit of Non-Collusion
  - i. Affirmative Action Certification in compliance with the requirements of P.L. 1975, c.

- j. Equal Employment Opportunity
  - k. Americans with Disabilities Act
  - l. Prohibited Russia Belarus Activities & Iran Investment Activities
7. Bidders shall provide to the WMUA one (1) bound original, with original signature, one (1) digital copy, and three (3) unbound copies of their proposal.
8. Package the original proposal and copies in a sealed package. Clearly identify the submitting bidder's name and the position for which the proposal is being submitted. Multiple packages for multiple positions are permitted.

### **Insurance Requirements**

Prior to commencing work under contract, each successful bidder shall furnish the WMUA with a certificate of insurance as evidence that it has procured the insurance coverage required herein. A carrier approved by the WMUA must provide the coverage. Bidders must give the WMUA a sixty (60) day notice of cancellation, non-renewal, or change in insurance coverage. The successful bidder(s) shall provide and maintain the following minimum limits of insurance coverage during the period of performance required under the contract resulting from this Request for Qualifications:

#### **Professional Liability**

Minimum of \$1,000,000.00 errors and omissions per occurrence to be amended based upon the specific work and values involved.

#### **Workers' Compensation and Employers' Liability (if applicable)**

- Statutory coverage for New Jersey
- \$100,000.00 Employer's Liability

#### **General Liability**

Minimum of \$1,000,000 per occurrence to be amended based upon the specific work and values involved. The WMUA shall be named as additional insured with respect to general liability.

#### **Automobile Liability**

Minimum of \$1,000,000 per occurrence / \$1,000,000 aggregate. This coverage is required if the operation of any vehicle is required in the performance of the services detailed herein (including but not limited to the use of a vehicle to make any on-site visits).

### **Indemnification**

The selected bidder(s) shall defend, indemnify, and hold harmless the WMUA, its officers, agents, and employees from any and all claims and costs of any nature. Whether for personal injury, property damage, or other liability arising out of or in any way connected with the bidder's acts or omissions under this agreement.

### **Evaluation Of Proposals**

The proposal will be evaluated by the Board of Commissioners, or their designee(s), based on the criteria listed below.

- Understanding of the scope of work.
- Proven record of experience and reputation of the bidder or business entity in providing the type of services detailed herein and including information collected from references.
- Qualifications of key personnel.
- Ability to provide services in a timely manner.
- Completeness and clarity of submission overall.
- Fees to be charged to the WMUA.

## **Qualified Purchasing Agent**

### **General Criteria**

The successful bidder will plan, organize, and provide procurement services for the WMUA. The QPA will advise the Board of Commissioners on purchasing policies and, in conjunction with the Executive Director and Director of Finance, develop and implement internal purchasing procedures that comply with the Local Public Contracts Law and all applicable rules and regulations. The QPA shall be under the supervision of the Director of Finance.

### **Scope of Services**

The scope of work for the requested services includes, but is not limited to:

1. Provide purchasing services (on-site and remote) under prescribed laws, rules, regulations, standards, policies, and procedures, including the development and implementation of a centralized purchasing system including all necessary procedures, forms, and files.
2. Assist the WMUA and its officials in conducting public bidding and in the procurement of goods and services generally.
3. Review and revise purchasing methods and records as needed, after approval by the Board of Commissioners.
4. Assure that specifications developed by WMUA departments are complete, concise and clear.
5. Promote bidding opportunities including locating and investigating reputable sources of supply.
6. Produce evaluation tools for use by WMUA officials.
7. In conjunction with WMUA officials, as directed, review submitted bids and, make a thorough analysis, and recommendations for acceptance or rejection of bids.
8. Confer with the Executive Director, Director of Finance, and Solicitor, in the preparation and execution of all purchase contracts.
9. Assist the Executive Director, Director of Finance, and Solicitor, in identifying and obtaining correction to any lack of contract performance.
10. Research and recommend software and systems for electronic bidding, procurement and record keeping.

### **Mandatory Minimum Requirements**

1. The firm must provide services to directors in all areas of WMUA activity including administration, finance, human relations, engineering, operations and maintenance.
2. The firm's experience must show:
  - a. Knowledge of accepted procedures used in making large-scale purchases.

WMUA Request for Qualifications - Qualified Purchasing Agent

Schedule B: Special Proposal Requirements

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- b. Knowledge of laws, rules, and regulations affecting purchasing by the WMUA agencies.
  - c. Ability to interpret market prices and trends and apply such interpretations to procurement problems.
  - d. Ability to review and prepare specifications in partnership with administrators, engineers and licensed operators.
  - e. Ability to recommend suitable action on bid and, in partnership with finance staff, follow through contracting, completion and payment.
  - f. Ability to establish and maintain purchasing and other records in digital systems.
3. The proposal must clearly identify which personnel proposed for the work are employees, which are contractors, and which of the following certifications, compliances or experiences are held by the individuals proposed for WMUA including:
- a. At least one individual who holds a Qualified Purchasing Agent certification issued by the New Jersey State Department of Community Affairs, Division of Local Government Services.
  - b. A minimum of 5 years of experience working with municipal government, agencies or authorities as a QPA.
4. The bidder must demonstrate that it has sufficient support staff available to provide all the services required by the authority.
5. The bidder must have a business registration certificate from the State of New Jersey.
6. The bidder must maintain a bona fide principal office in the State of New Jersey.
7. The selected firm shall provide insurance coverage as may be required by the WMUA

**Check List Of Required Evidence**

*Please initial each item on this form that is contained in your proposal response. Please provide page or section numbers where available.*

	<b>Initial s</b>
Checklist of Required Documents, signed below`	_____
One (1) bound hard copy of RFQ proposal response	_____
Three (3) <b>unbound</b> copies of the RFQ proposal response, preferably grayscale on 8 ½” x 11” paper	_____
Digital copy (USB Drive or CD-ROM) of RFQ proposal response formatted in PDF	_____
	<b>Page/Section n #</b>
a. Checklist	_____
b. Questionnaire Regarding Good-Faith Efforts to Ensure Fair Inclusion of Women and Minorities in the Workforce	_____
c. Taxpayer Identification (W-9)	_____
d. Business Registration Certificate	_____
e. Certificate of Insurance	_____
f. Disclosure of Ownership	_____
g. False Statement Penalties Certification	_____
h. Affidavit of Non-Collusion	_____
i. Affirmative Action Certification	_____
j. Equal Employment Opportunity	_____
k. Americans With Disabilities Act	_____
l. Prohibited Russia Belarus Activities & Iran Investment Activities	_____

***Each Required Item Must Be Initialed On This Form In The Space Provided. This Checklist Must Be Signed And Submitted With The RFQ Package.***

Company / Bidder’s Name	Authorized Signature
Date	Name (Print)                      Title

**WMUA Tracking Questionnaire Regarding Good-Faith Efforts to Ensure  
 Fair Inclusion of Women and Minorities in the Workforce**

Name of Organization:	Contact Email Address:
Contact Name:	Contact Phone Number:
Contact Title:	Date:

The Willingboro Municipal Utilities Authority ("WMUA") recognizes diversity and inclusion as a core value that strengthens our ability to deliver a premier service. We believe that an analysis of the participation and roles of certain groups that have historically been underrepresented in professional services is of particular importance to the WMUA. To that end, we are asking the private bidders/business entities (“Entity”) to complete this survey so that we may benchmark and track information about diversity and inclusion.

**Please check the box that accurately describes the policies, procedures, or practices in place at your organization at the time of the completion of this questionnaire.**

**1. Organizational Commitment to Diversity and Inclusion**

The Entity has a diversity and inclusion strategy or includes diversity and inclusion considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes    No

The Entity’s senior leadership has expressed public support for its diversity and inclusion efforts.

Yes    No

The Entity has highlighted on its website, in social media, and in marketing materials that it is an equal opportunity employer and values diversity.

Yes    No



The Entity has an equal employment opportunity policy and grievance process to address discrimination concerns.

Yes  No

The Entity has a senior-level official, preferably with knowledge of and experience in diversity and inclusion policies and practices, who oversees and directs the Entity’s diversity and inclusion efforts.

Yes  No

## **2. Recruitment Practices**

The Entity utilizes a diverse panel of interviewers when meeting with candidates. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity recruits at historically black colleges and universities, Hispanic-serving institutions, women’s colleges, military colleges, and/or colleges that typically serve a majority-minority population. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity posts or advertises employment opportunities in media and publications focused on minorities and women. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity ensures that women and minorities are made aware of job opportunities within the organization by posting all open positions. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity uses staffing agencies that target women and minorities for experienced hire needs. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity utilizes relationships with relevant diverse professional associations to assist with recruitment efforts. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity participates in conferences, workshops, and other events to attract women and minorities and to inform them of employment and promotion opportunities. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity’s recruiting materials reflect staff diversity. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity leverages employees from different backgrounds to assist in recruitment efforts through their professional and educational networks. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

### **3. Retention Strategies**

The Entity has established mentoring and sponsorship programs to enhance career development opportunities and retention of employees. Such relationships include providing informal guidance and feedback to employees to help guide them and serve as a resource. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity partners with diversity-focused professional business organizations to support the professional and leadership development of women and minorities within the Entity. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity maintains policies and procedures to ensure the inclusion of women and minorities in all business activities, including management. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity supports employee resource groups to facilitate employee engagement, networking, and personal development. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity supports career/work life balance with flexible work schedules, telework, wellness programs, etc. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

The Entity assesses employee contributions to diversity and inclusion through performance appraisals and reviews. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No

### **4. Training and Development**

The Entity requires all employees to successfully complete diversity and/or equal employment opportunity training on at least an annual basis. considerations as part of its strategic plan for recruiting, hiring, retention, and promotion.

Yes  No



## Taxpayer Identification

Form <b>W-9</b> (Rev. October 2007) Department of the Treasury Internal Revenue Service	<b>Request for Taxpayer                  Identification Number and Certification</b>	Give form to the requester. Do not send to the IRS.
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Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ ..... <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

	Social security number : : : : : : or Employer identification number : : : : : :
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**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
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**General Instructions**  
 Section references are to the Internal Revenue Code unless otherwise noted.

**Purpose of Form**  
 A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

**Certificate of Insurance**

In accordance with the requirements for Specific Proposal Requirements

**Business Registration Certificate**

In accordance with the requirements for Specific Proposal Requirements

**Disclosure Of Ownership**  
**N.J.S.A. 52:25-24.2**

**Failure to submit the required information is cause for automatic rejection.**

**Check One**

- I certify that the list below contains the names and addresses of all owners who own an interest of 10% or more in the Applicant.
- I certify that no one owner owns an interest of 10% or more in the Applicant.

**Legal Name Of Applicant:** \_\_\_\_\_

**Check which business entity applies:**

- Limited Partnership                       Corporation (for-profit)                       Limited Liability Company
- Limited Liability Partnership                       Corporation(non-profit)                       Sole Proprietorship
- Partnership                       Other \_\_\_\_\_

**Complete if the Applicant is a for-profit or non-profit corporation:**

Date Incorporated: \_\_\_\_\_ Where Incorporated: \_\_\_\_\_

**Business Address:**

\_\_\_\_\_  
Street Address    Township    State    Zip

\_\_\_\_\_  
Telephone #    Fax#

Listed below are the names and addresses of all owners who own an interest of 10% or more in the Applicant. Disclosure shall be continued until the names and addresses of every owner exceeding the 10% ownership criteria established in N.J.S.A. 52:25-24.2 has been listed. (Not to be completed by non-profit corporations.)\_

\_\_\_\_\_  
Name    Address    Shared (%) Owned

\_\_\_\_\_  
Name    Address    Shared (%) Owned

Continued On Additional Sheet (If Necessary): Yes  No

\_\_\_\_\_  
Company / Bidder's Name

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (print)    Title

**False Statement Penalties Certification**  
**N.J.S.A. 40A:11-34**

Any person who makes or causes to be made, a false, deceptive or fraudulent statement in the statement or answers in response to the questionnaire, or in the course of any hearing hereunder, shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than \$100.00 nor more than \$1,000.00, and shall be permanently disqualified from bidding on all public work or contracts of the contracting unit which submitted the questionnaire; or, in the case of an individual or an officer or employee charged with the duty of responding to the questionnaire for a person, firm, co-partnership, association or corporation, by such fine or by imprisonment, not exceeding 6 months, or both.

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

\_\_\_\_\_  
Signature of Preparer or  
Officer of the Applicant

Sworn and subscribed to before me on

this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of Notary

*Notary seal*

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

**Affidavit Of Non-Collusion**

The undersigned, being duly sworn according to law, deposes and says:

1. I reside at \_\_\_\_\_  
\_\_\_\_\_
2. The name of the within applicant is \_\_\_\_\_  
\_\_\_\_\_
3. I execute the said RFP on behalf of the applicant with full authority to do so.
4. The applicant has not directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of fair and open process in connection with the contract.
5. All statements contained in the Qualification Statement and RFP and in this Affidavit are true and correct and were made with the full knowledge that the Willingboro Municipal Utilities Authority, Willingboro, County of Burlington, its officers and employees, rely on the truth of the statements therein made in awarding the above-named contract.
6. I further warrant that no person or selling agency has been employed or retained to solicit or service such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bonafide employees of or bonafide established commercial selling agencies maintained by the applicant.

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

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Signature of Notary

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



**Affirmative Action Regulations P.L. 1975, C. 127 (N.J.A.C. 17:27)**

If awarded a contract, all procurement and service contractors will be required to comply with the requirements of P.L. 1975, c. 127, (N.J.A.C. 17:27). Within seven (7) days after receipt of the notification of intent to award the contract or receipt of the contract, whichever is sooner, the contractor should present one of the following to the WMUA:

1. A letter from the U.S. Department of Labor that the contractor has an existing federally approved or sanctioned Affirmative Action Program.  
OR
2. A Certificate of Employee Information Report Approval.  
OR
3. An Affirmative Action Employee Information Report (Form A.A. 302)  
OR
4. All successful contractors must submit at signing of the contract an Initial Project Manning Report (AA201) for any contract award that meets or exceeds the Public Agency bidding threshold (available upon request). **No bidder may be issued a contract unless they comply with the affirmative action regulations of P.L. 1975, c. 127.**

The following questions must be answered by all bidders:

1. Do you have a federally approved or sanctioned Affirmative Action Program?  
YES \_\_\_\_\_ NO \_\_\_\_\_  
If yes, please submit an electronic copy of such approval.
2. Do you have a State Certificate of Employee Information Report Approval?  
YES \_\_\_\_\_ NO \_\_\_\_\_  
If yes, please submit an electronic copy of such certificate.

**The undersigned contractor certifies that he is aware of the commitment to comply with the requirements of P.L. 1975, c. 127 and agrees to furnish the required documentation pursuant to the law.**

Company: \_\_\_\_\_

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

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

**Note: A contractor must be rejected as non-responsive if a contractor fails to comply with requirements of P.L. 1975, c. 127, within the time frame.**

**Equal Employment Opportunity**  
**N.J.S.A. 10:5-31 Et Seq. (P.L. 1975, C. 127)**  
**N.J.A.C. 17:27**

**Goods, Professional Service And General Service Contracts**

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

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

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

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

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

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

Initials \_\_\_\_\_

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

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

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

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

- Letter of Federal Affirmative Action Plan Approval
- Certificate of Employee Information Report
- Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))

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

Initials \_\_\_\_\_

**Americans With Disabilities Act  
Equal Opportunity for Individuals with Disabilities**

The Contractor and the Willingboro Municipal Utilities Authority (“Authority”) do hereby agree that the provision of Title II of the Americans With Disabilities Act of 1990 (the “ADA”) (42 U.S.C. Section 12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made a part of this contract. In providing any aid, benefit or service on behalf of the Authority pursuant to this contract, the Contractor agrees that the performance shall be in strict compliance with the ADA. In the event that the Contractor, its agents, servants, employees or subcontractors violate or are alleged to have violated the ADA during the performance of this contract, the Contractor shall defend the Authority in any action or administrative proceeding commenced pursuant to this ADA. The Contractor shall indemnify, protect and save harmless the Authority, its agents, servants and employees from and against any and all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The Contractor shall, at its own expense, appear, defend and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the Authority grievance procedure, the Contractor agrees to abide by any decision of the Authority which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Authority or if the Authority incurs any expense to cure a violation of the ADA that has been brought pursuant to its grievance procedure, the Contractor shall satisfy and discharge the same at its own expense.

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

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

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

Initials \_\_\_\_\_

<b>Prohibited Russia-Belarus Activities &amp; Iran Investment Activities</b>	
<b>Person or Entity</b>	
<b>Part 1: Certification</b>	
<b>COMPLETE PART 1 BY CHECKING <u>ONE OF THE THREE BOXES BELOW</u></b>	
<p>Pursuant to law, any person or entity that is a successful bidder or proposer, or otherwise proposes to enter into or renew a contract, for goods or services must complete the certification below prior to contract award to attest, under penalty of perjury, that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list or Chapter 25 list as a person or entity engaging in prohibited activities in Russia, Belarus or Iran. Before a contract for goods or services can be amended or extended, a person or entity must certify that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list. Both lists are found on Treasury's website at the following web addresses:</p> <p><a href="https://www.nj.gov/treasury/administration/pdf/RussiaBelarusEntityList.pdf">https://www.nj.gov/treasury/administration/pdf/RussiaBelarusEntityList.pdf</a>  <a href="http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf">www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf</a></p> <p>As applicable to the type of contract, the above-referenced lists must be reviewed prior to completing the below certification.</p> <p>A person or entity unable to make the certification must provide a detailed, accurate, and precise description of the activities of the person or entity, or of a parent entity, subsidiary, or affiliate, engaging in prohibited activities in Russia or Belarus and/or investment activities in Iran. The person or entity must cease engaging in any prohibited activities and provide an updated certification before the contract can be entered into.</p> <p>If a vendor or contractor is found to be in violation of law, action may be taken as appropriate and as may be provided by law, rule, or contract, including but not limited to imposing sanctions, seeking compliance, recovering damages, declaring the party in default, and seeking debarment or suspension of the party.</p>	
<b>CONTRACT AWARDS AND RENEWALS</b>	
<input type="checkbox"/>	<p><i>I certify, pursuant to law, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate appears on the N.J. Department of Treasury's lists of entities engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3 or in investment activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. (Skip Part 2 and sign and complete the Certification below.)</i></p>



