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# REQUEST FOR PROPOSALS

*For*

## LEGAL SERVICES

Contract No. GP-0137-R01

ISSUE DATE: Wednesday, June 3, 2009

**MANDATORY ELECTRONIC NOTICE OF INTENT TO PARTICIPATE**

**Due on Thursday, June 18, 2009, before 5:00 PM Eastern Time**

*(See the Introduction, within, for details)*

**PROPOSAL DUE DATE: Thursday, July 2, 2009 by 5:00 PM Eastern Time**

**INTERVIEW DATE: Tuesday, July 21, 2009**

*At the*

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY**

*{See Section 2.0, within, for delivery addresses}*

PREPARED BY

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY  
ONE WEST STATE STREET  
PO BOX 991  
TRENTON, NEW JERSEY 08625-0991

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**REQUEST FOR PROPOSALS  
FOR  
LEGAL SERVICES**

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**INTRODUCTION**

Through this Request for Proposals (“RFP”), New Jersey Schools Development Authority (“NJSDA”) seeks to engage one or more firms (collectively referred to as the “Firm”) to provide legal advisory and consulting services to NJSDA. Specifically, the Firm will be required to assist NJSDA’s Office of Chief Counsel and provide advice and consultative services, as well as formal representation where necessary, in the areas of real estate (transactions, acquisitions, voluntary and involuntary condemnations) law and with respect to several projects that have been identified to be delivered via the Design-Build delivery method. A firm may submit a proposal to be considered in either the area of real estate or construction delivery methods or both. The Firm’s workload will be assigned on a “task-order” basis as determined by NJSDA, and will be required to submit a budget for each task order subject to NJSDA’s acceptance prior to providing services with respect to any task order.

The services required must be made available to NJSDA within fifteen (15) business days of the Firm’s receipt of a Notice to Proceed from NJSDA. The Firm must be willing to provide said services at a blended hourly rate in the amount of \$200 per hour and an hourly rate of \$90 per hour for paralegal services.

The term of the Agreement will be two (2) years. That is, the Firm will be expected to accept assignment for a period of two (2) years from the Notice to Proceed. The quoted blended rate will be the hourly rate charged through the duration of the assignment regardless of whether the assignment’s duration surpasses the two (2) year anniversary of the Notice to Proceed. If it becomes necessary in order to allow for the completion of a particular assignment(s), the term of the Agreement will be extended for and until the completion of the particular assignment(s).

This REQUEST FOR PROPOSALS PACKAGE consists of the following items:

1. Request for Proposals
2. Attachment A: Moral Integrity Questionnaire
3. Attachment B: P.L. 2005, c. 51 (formerly Executive Order No. 134) Forms

These documents must be read in their entirety as they define the scope of services and responsibilities of the Firm and NJSDA. General information about the School Construction Program can be found at NJSDA’s web site, [www.njsda.gov](http://www.njsda.gov).

**NJSDA shall not hold a traditional pre-proposal conference for this procurement. All firms wishing to submit a proposal must sign in electronically by sending a mandatory e-mail Notice of Intent to Participate to Megan Cox at [mcox@njsda.gov](mailto:mcox@njsda.gov), no later than 5:00 PM Eastern Time on Thursday, June 18, 2009.**

**Firms may submit questions to NJSDA by sending them by e-mail to Megan Cox at [mcox@njsda.gov](mailto:mcox@njsda.gov), no later than 5:00 PM Eastern Time on Thursday, June 18, 2009. The questions and answers shall be provided electronically to each firm that submitted a timely e-mail Notice of Intent to Participate.**

**PROPOSALS ARE DUE ON THURSDAY, JULY 2, 2009**  
**NO LATER THAN 5:00 PM EASTERN TIME AT**  
**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY**  
*{See Section 2.0, within, for delivery addresses}*

**Interviews** (if necessary) with shortlisted firms that must include, at a minimum, all Key Team Members listed in the proposal are scheduled for **Tuesday, July 21, 2009** at the NJSDA Main Office, 1 West State Street, Trenton, NJ 08625.

**Upon award, NJSDA shall enter into a retainer agreement with the Firm.**

**1.0 BACKGROUND**

1.1 Scope of Services

The Firm will be required to assemble a multi-disciplined team and, on a Task Order basis, to assist NJSDA and NJSDA's Office of Chief Counsel by providing legal advisory and consultative services, as well as formal representation where necessary, in the areas of real estate (transactions, acquisitions, voluntary and involuntary condemnations) law and with respect to several projects that have been identified to be delivered via the Design-Build delivery method. A firm may submit a proposal to be considered in either the area of real estate or construction delivery methods or both. Services are expected to be provided from the Firm's normal business location. NJSDA will not provide office space or equipment.

1.2 Other Requirements of the Firm

**(a) No NJSDA Prequalification**

There is no standard NJSDA pre-qualification requirement applicable to this engagement. To succeed, the Firm must demonstrate experience and qualifications more fully discussed in Section 2 below.

**(b) Business Registration**

Pursuant to N.J.S.A. 52:32-44, as amended by P.L. 2004, c. 57, each proposing firm must provide proof of valid business registration with the Division of Revenue of the New Jersey Department of the Treasury (the "Division of Revenue") in its Proposal.

Firms may obtain New Jersey Business Registration assistance by going on-line to [www.state.nj.us/treasury/revenue/gettingregistered.htm](http://www.state.nj.us/treasury/revenue/gettingregistered.htm), or by calling the New Jersey Department of Treasury at (609) 292-1730. Please be advised, however, that business registrations are mailed generally within seven to ten days, so firms should plan accordingly.

**(c) Political Contributions.** P.L. 2005, c. 51 amended and supplemented N.J.S.A. 19:44A-20.1 et seq., and superseded Executive Order 134 (2004), addresses the effect of political contributions on State contracting. Accordingly, a selected firm will be required to respond in a timely fashion to certification and disclosure requirements that will be stated in the Notice of Award issued by the NJSDA. Additionally, Executive Order No. 117, which is designed to enhance New Jersey's efforts to protect the integrity of government contractual decisions and

increase the public's confidence in government. The Executive Order builds on the provisions of P.L. 2005, c. 51 ("Chapter 51"), which limits contributions to certain political candidates and committees by for-profit business entities that are, or seek to become, State government vendors.

**Requirements for Selected Firm.** The Firm shall receive a notice of award that will, among other things, notify the Firm that it must submit a Certification and Disclosure of Political Contributions form and Business Entity Disclosure form as provided by NJSDA, samples of which are set forth in Attachment B to this RFP. Instructions for completing the forms are also included with Attachment B. Failure to submit these forms in a timely fashion shall be cause for rejection of the firm.

**Firm's Continuing Obligation to Comply with P.L. 2005, c. 51.** The Firm shall be required on a continuing basis to disclose and report to NJSDA any contributions made during the contract term by the Business Entity on forms provided by NJSDA, at the time it makes the contribution.

**(d) Political Contributions Disclosure.** Firms are advised of their responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission ("ELEC"), pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c. 271, section 3), in the event they receive contracts in excess of \$50,000 from a public entity in a calendar year. It is a firm's responsibility to determine if filing is necessary. Failure to so file can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

**(e) Anti-Discrimination Requirements.** In addition, the Firm shall not discriminate in employment and shall abide by all anti-discrimination laws including those contained within N.J.S.A. 10:5-1 et seq. and all rules and regulations issued there under, including N.J.A.C. 17:27-1 et seq. **Accordingly, in a notice of award, a firm shall be required to submit to NJSDA, with its executed Retainer Agreement, one of the following three documents:**

- (1) appropriate evidence that the contractor is operating under an existing Federally approved or sanctioned affirmative action program;
- (2) a certificate of employee information report approval issued in accordance with N.J.A.C. 17:27-4; or
- (3) an initial employee information report (Form AA302) provided by the Affirmative Action Office and completed by the contractor in accordance with N.J.A.C. 17:27-4.

## 2.0 INSTRUCTIONS FOR SUBMITTING A PROPOSAL

A firm must become thoroughly familiar with this RFP to ensure responsiveness in its Proposal. The Proposal must consist of the following:

- 2.1 Cover letter
- 2.2 Firm Experience - Case Studies
- 2.3 Team(s) Structure

- 2.4 Resumes of Key Team Members
- 2.5 Key Team Members' Experience
- 2.6 Approach to Providing the Required Scope of Services
- 2.7 Control of Schedule
- 2.8 Business Registration

All of the above items must be addressed in each Proposal submitted and must follow the order of all questions as posed, and must not exceed forty (40) one-sided 8.5" X 11" pages. Organizational charts, staffing structure, and schedules may be on larger paper. The following items will not count toward the page limits: resumes, required forms, and section dividers. Each Proposal shall be ranked pursuant to the application of the evaluation criteria listed in this RFP to the material in the Proposal and such verification thereof as may be necessary.

In addition, at the same time as a Proposal is submitted, firms **must** also submit to NJSDA one (1) original (and no copies) of a completed moral integrity questionnaire for submission to the New Jersey State Police, in the form set forth as Attachment A to this RFP. NJSDA shall hold all Questionnaires submitted, unopened, until all firms are ranked, unless special circumstances warrant otherwise. At such time, staff will forward the Questionnaire of the top-ranked firm to the New Jersey State Police for review. **Moral Integrity approval is a prerequisite for contract award.**

**Proposal Package Mailing Instructions.** The Firm must submit one (1) unbound original and four (4) bound copies of a Proposal and one (1) original of the corresponding Fee Proposal Statement (in a separate envelope, which is sealed and then placed in the same package with the Proposal), and one (1) original, completed Moral Integrity Questionnaire (in a sealed envelope separate from the package containing the Proposal and Fee Proposal) no later than **5:00 PM on Thursday, July 2, 2009**, as follows:

**If submitting by hand or overnight delivery, at the:**

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY  
Contract Procurement & Administration  
1 West State Street – 1st Floor  
Trenton, New Jersey 08625-0991  
Attention: Megan Cox, Senior Procurement Analyst  
Subject: Legal Services Proposal – GP-0137-R01

**If submitting by U.S. Mail, address packages to:**

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY  
Contract Procurement & Administration  
P.O. Box 991  
Trenton, New Jersey 08625-0991  
Attention: Megan Cox, Senior Procurement Analyst  
Subject: Legal Services Proposal – GP-0137-R01

**Submissions received after the above date and time will not be considered. Faxed or e-mailed Proposals will not be accepted.**

**Any firm wishing to submit a Proposal must submit a timely electronic notice of intent to participate, as provided in the Introduction, above.**

A more detailed description of the items required in the Proposal follows.

2.1 Cover Letter

Present a brief understanding of NJSDA's needs, as described in the Scope of Services set forth in Section 1.1 of this RFP. Include in the cover letter any other information relevant to the Firm's qualifications, not set forth elsewhere.

2.2 Firm Experience - Case Studies

Firm experience shall be assessed through a brief summary of the Firm's general relevant experience that would be applicable to the mission of NJSDA and the Firm's experience with respect to real estate (transactions, acquisitions, voluntary and involuntary condemnations) law and/or the Design-Build delivery method. Firms may include examples of past successes. Firms may include up to **six (6) case studies** that must address examples of the proposing firm's past provision of services of the type and scale outlined in the Scope of Services. Thus, the case studies must concisely set forth the basic background information (e.g., client, nature of claim or litigation, etc.), the scope of services provided, and results of said engagement. **Case studies may be based on the representation of either public or private sector clients.** The Firm must identify the name and address of the client entity and the name, title and telephone number of a contact person associated with the client entity who is familiar with and able to comment on the Firm's performance on each project.

2.3 Team(s) Structure

Present a narrative detailing the structure of the Key Team or Teams which will represent NJSDA in each of the areas listed in the Scope of Services, as well as the Key Team Member or Members who will be responsible for this engagement. The narrative should also describe the contemplated role and level of responsibility of each Key Team Member. For the purpose of this engagement, a "Key Team Member" is a principal, partner or officer of the Firm, senior associate, mid-level associate or associate, represented in the Proposal as having a responsible role in the successful completion of the required Services.

2.4 Resumes of Key Team Members

A resume of each Key Team Member must be included in the Proposal.

2.5 Key Team Members' Experience

Present a narrative which details the individual experience of each of the Key Team Members. A maximum of five (5) case studies similar in scope to this engagement should be listed for each Key Team Member. The case studies must concisely set forth the basic background information (e.g., client, nature of claim or litigation, etc.), the specific contributions/responsibility of the Key Team Member, and results of said engagement. Case studies may be based on the representation of either public or private sector clients.

2.6 Approach to Providing the Required Scope of Services

Explain in detail the specific approach to providing the services required in the Scope of Services in Section 1.1 of this RFP.

2.7 Control of Schedule

**The turnaround time required for the Firm’s services may in certain cases be extremely short, so the Firm should indicate its ability to meet tight deadlines here.** The Office of Chief Counsel will establish deadlines for completion of the services listed in each Task Order.

2.8 Business Registration

Pursuant to N.J.S.A. 52:32-44, as amended by P.L. 2004, c. 57, each proposing firm must provide proof of valid business registration with the Division of Revenue of the New Jersey Department of the Treasury (the “Division of Revenue”), in its Proposal.

Firms may obtain New Jersey Business Registration assistance by going on-line to [www.state.nj.us/treasury/revenue/gettingregistered.htm](http://www.state.nj.us/treasury/revenue/gettingregistered.htm), or by calling the New Jersey Department of Treasury at (609) 292-1730. Please be advised, however, that business registrations are mailed generally within seven to ten days, so firms should plan accordingly.

**3.0 FEE INFORMATION**

The Firm must include, within its Proposal, a statement indicating that the Firm will provide said services at a blended hourly rate in the amount of \$200 per hour and an hourly rate of \$90 per hour for paralegal services.

**4.0 SELECTION PROCEDURES**

Each proposal will be reviewed to determine responsiveness. Where the Firm has requested to be considered for more than one specialty, the Firm will be evaluated separately with respect to each specialty. Non-responsive Proposals will be rejected without evaluation. Responsive Proposals will be evaluated by a Selection Committee (“Committee”) established for this purpose. The evaluation will be based upon the information provided by the Firm in response to this RFP, and any necessary verification thereof. The Proposals will be evaluated in accordance with the following evaluation criteria:

<b>EVALUATION CRITERIA</b>	<b>MAXIMUM POINTS</b>
Understanding of the Purposes of this Engagement	10
Firm Experience – Case Studies	30
Experience of Key Team Members	30
Approach to Providing the Required Scope of Services	30
<b>TOTAL:</b>	<b>100</b>

Firms will receive a final technical score and/or ranking based on the above-described evaluation process, except that, at its sole option, NJSDA may conduct interviews. Following the interviews, if any, the final technical scores and/or rankings shall be determined, based on the evaluation criteria.



**CONTACT PERSON**

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

NOTE: Accurate, truthful and complete information will help speed the review of your questionnaire and expedite action on your Business Concern's application to be FISC Bureau approved. If there is not enough space on this form to give a complete answer, attach additional sheets of paper. Please be sure that each additional sheet includes the Applicant Business Concern's name and Federal Tax ID Number to identify the page as yours and that you clearly identify the question you are answering. This application will not be sufficient to merit prequalification if you fail to provide additional information if requested to resolve questions about any of the disclosures made in this questionnaire.

**FOR CORPORATIONS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS ONLY**

Name of Registered Agent in New Jersey:  
\_\_\_\_\_

Address of Registered Office in New Jersey:  
\_\_\_\_\_

If the Applicant Business Concern is a corporation, provide the following:

Date Incorporated: \_\_\_\_\_ State in which incorporated: \_\_\_\_\_

NJ Corporate ID: \_\_\_\_\_

**IF NOT A N.J. CORPORATION, SUBMIT A COPY OF THE CERTIFICATE OF AUTHORITY TO PERFORM WORK IN N.J. AS ISSUED BY THE N.J. DEPARTMENT OF THE TREASURY, DIVISION OF REVENUE, COMMERCIAL RECORDING.**

1. How long has the Applicant Business Concern done business under its present name? \_\_\_\_\_ years
2. List each other name the Applicant Business Concern has done business under in the past ten (10) years:  
D/b/a: \_\_\_\_\_ Dates Name  
Used: \_\_\_\_\_  
D/b/a: \_\_\_\_\_ Dates Name  
Used: \_\_\_\_\_  
D/b/a: \_\_\_\_\_ Dates Name  
Used: \_\_\_\_\_

3. At any time during the past five (5) years, has the Applicant Business Concern shared office space, warehouse space, yard, plant or shop facilities, staff, equipment, telecommunications or other assets with any other business concern? (If yes, disclose the name of the other business concern and provide a description of the sharing arrangement, including the location of the facilities.)
- Yes       No

**DISCLOSURE OF OWNERS AND KEY PERSONS**

“Key Person” means any individual employed by the Applicant Business Concern in a supervisory capacity or empowered to make discretionary decisions with respect to bids and/or contracts within the State of New Jersey. “Key Person” also means any person who owns a beneficial interest of 10% or more in the business concern, and the managing members of limited liability companies and corporate directors and officers (e.g., president, vice presidents, secretary and treasurer).

For purposes of this questionnaire, “supervisory capacity or empowered to make discretionary decisions” means able to bind the Applicant Business Concern to New Jersey bids and/or contracts of \$50,000 or more and/or authorized to sign checks to make payments of \$50,000 or more in connection with New Jersey contracts.

4. Use this table to enter identifying information for each individual who is a “Key Person” of the Applicant Business Concern. **Identify any entity or business concern that owns a beneficial interest of 10% or more as well. For entities or business concerns, disregard birth date and provide federal tax identification number instead of social security number.**

Name (Last, First, Middle)	Address	Birth Date (MM/DD/YYYY)	Social Security Number*	Position	Ownership %

\*Disclosure of Social Security Number is voluntary. However, disclosure will help speed review and action on your application to be prequalified.

**AT ANY TIME DURING THE PAST TEN (10) YEARS, HAS THE APPLICANT BUSINESS CONCERN:**

5. Been indebted to an individual or entity, other than a bank or other commercial lending institution, in the cumulative amount of \$100,000 or more? (If yes, give details, including the name of each party to the transaction, the date and the amount of indebtedness.)       Yes       No
6. Loaned monies generated by this business concern, in the cumulative amount of \$100,000 or more, to another business concern or individual? (If yes, give details, including the name of each party to the transaction, the date and the amount of the indebtedness.)       Yes       No

7. Had an injunction, order or lien entered against it in favor of any government agency including, but not limited to, judgments or liens based on taxes assessed or fines and penalties imposed by any government agency? (If yes, give details, including name of the government agency, caption, date, case number or docket number, and disposition. Be sure to note any judgments or liens that have not been fully satisfied.)  Yes  No
8. Been a party in any civil litigation or administrative proceeding alleging violation of any of the following: antitrust statutes; racketeering statutes; environmental laws; laws banning workplace discrimination; laws governing wages, hours or labor standards; laws governing the conduct of occupations, professions or regulated industries; or any other law indicating a lack of business integrity or honesty? (If yes, give details, including the nature of the claims and defenses, the caption, date, case number or docket number, and name of the court or agency before which the case is pending or before which it was heard and current status.)  Yes  No
9. Paid a fine or otherwise paid to settle any of the allegations listed in Question 8, whether with or without an admission of responsibility? (If yes, give details, including the caption, date, case number or docket number, and name of the court or agency before which the case was brought.)  Yes  No
10. Been denied any license, permit or other similar authorization required to engage in the business concern's trade(s) or professional discipline(s), or has any such license, permit or similar authorization been suspended or revoked by any agency of federal, state or local government? (If yes, give details, including name of the licensing or permitting agency, caption, date, case number or docket number, and disposition.)  Yes  No
11. Been suspended, debarred, disqualified, denied a classification rating or prequalification or otherwise been declared not responsible to bid on or to perform work on any public contract or subcontract? (If yes, give details, including name of the contracting agency, caption, date, case number or docket number, and disposition.)  Yes  No
12. Been required by an agreement or settlement with any governmental agency (including any school board) to refrain from bidding or proposing on any public contract? (If yes, describe the agreement and give the name of the government agency, date, caption and case number or docket number, if any.)  Yes  No
13. Been required to engage a monitor or independent private sector inspector general (IPSIG) as a condition of being classified or prequalified, or as a condition of any contract award, or as a condition for being permitted to complete a contract? (If yes, describe the agreement and give the name of the government agency, date and the name of the monitor or IPSIG.)  Yes  No
14. Been indicted or otherwise charged as a defendant, or named as an unindicted co-conspirator, alleged to have committed any crime or offense other than a motor vehicle offense? (If yes, give details, including the conduct alleged, the caption,



That I am \_\_\_\_\_ of \_\_\_\_\_, that I  
am duly authorized to \_\_\_\_\_  
(title) (business concern name and Federal Tax ID  
Number)

submit this FISC Bureau Questionnaire ("Questionnaire") on behalf of the Applicant Business Concern,  
and that I have read and understood the nineteen (19) questions asked in the previous three (3) pages..

I represent and state that the information given in response to each question is full, complete and  
truthful. Further, I represent and state that truthfully answering this Questionnaire is an event  
entirely within my control.

I recognize that all the information submitted is for the express purpose of inducing the State of  
New Jersey to award a contract and/or allow the Applicant Business Concern to participate in  
school facilities projects financed through the Educational Facilities Construction and Financing  
Act as a prime contractor or subcontractor. I understand and agree that the Questionnaire and any  
attachments filed with the State of New Jersey shall become the property of the State.

I acknowledge that the State of New Jersey may, by means it deems appropriate, determine the  
accuracy, truth and completeness of the statements made in this Questionnaire and any  
attachments submitted with it and the statements made in any application or request for  
classification or prequalification made to the Department of Treasury, Division of Property  
Management and Construction and the attachments thereto. Therefore, I authorize the State of  
New Jersey to contact any entity or person named in this Questionnaire for purposes of  
determining the accuracy, truth and completeness of the information supplied by me on behalf of  
the Applicant Business Concern. If required, a photocopy of this affidavit shall be considered as  
effective and valid as the original as evidence of the permission given by the Applicant Business  
Concern for others to release information to the State for purposes of verifying the accuracy, truth  
and completeness of the information supplied by me.

I represent that the foregoing statements made by me are true. I am aware that if any of the foregoing  
statements made by me are willfully false, I am subject to punishment. Further, I am aware that a false  
statement or omission made in connection with this application may subject me to civil and criminal  
penalties available at law and is sufficient cause for denial of the application, revocation of a prior  
approval or termination for cause of any school facilities project contract that may be awarded to the  
Applicant Business Concern.

Sworn and subscribed to before me

on this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_

SIGNATURE:

\_\_\_\_\_

SIGNATURE

Name: \_\_\_\_\_  
(PRINT OR TYPE)

SSN:

Affix Corporate  
Seal  
if Applicable

ATTACHMENT B

P.L. 2005, c. 51 & EO 117  
FORMS

*{See attached sheets}*

**INFORMATION AND INSTRUCTIONS  
For Completing The "Two- Year Vendor Certification and Disclosure of Political  
Contributions" Forms**

**Background Information**

On September 22, 2004, then-Governor James E. McGreevey issued Executive Order 134, the purpose of which was to insulate the negotiation and award of State contracts from political contributions that posed a risk of improper influence, purchase of access or the appearance thereof. To this end, Executive Order 134 prohibited State departments, agencies and authorities from entering into contracts exceeding \$17,500 with individuals or entities that made certain political contributions. Executive Order 134 was superseded by Public Law 2005, c. 51, signed into law on March 22, 2005 ("Chapter 51").

On September 24, 2008, Governor Jon S. Corzine issued Executive Order No. 117 ("E.O. 117"), which is designed to enhance New Jersey's efforts to protect the integrity of procurement decisions and increase the public's confidence in government. The Executive Order builds upon the provisions of Chapter 51.

**Two-Year Certification Process**

Upon approval by the State, the Certification and Disclosure of Political Contributions form (CH51.1R1/21/2009) is valid for a two (2) year period. Thus, if a vendor receives approval on Jan 1, 2009, the certification expiration date would be Dec 31, 2011. Any change in the vendor's ownership status and/or political contributions during the two-year period will require the submission of new Chapter 51/EO117 forms to the State Review Unit. **Please note that it is the vendor's responsibility to file new forms with the State should these changes occur.**

Prior to the awarding of a contract, the agency should first send an e-mail to CD134@treas.state.nj.us to verify the certification status of the vendor. If the response is that the vendor is NOT within an approved two-year period, then forms must be obtained from the vendor and forwarded for review. If the response is that the vendor 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 Forms**

**NOTE:** Please refer to the next section, "Useful Definitions for Purposes of Ch. 51 and E.O. 117," for guidance when completing the forms.

**Part 1: VENDOR INFORMATION**

**Business Name** – Enter the full name of the Vendor, including trade name if applicable.

**Business Type** -- Select the vendor's business organization from the list provided.

**Address, City, State, Zip and Phone Number** -- Enter the vendor's street address, city, state, zip code and telephone number.

**Vendor Email** – Enter the vendor's primary email address.

**Vendor FEIN** – Please enter the vendor's Federal Employment Identification Number.

**INFORMATION AND INSTRUCTIONS**  
**For Completing The “Two- Year Vendor Certification and Disclosure of Political Contributions” Forms**

**Part 2: PUBLIC LAW 2005, Chapter 51 / EXECUTIVE ORDER 117 (2008) DUAL CERTIFICATION**

Read the following statements and verify that from the period beginning on or after October 15, 2004, no contributions as set forth at subsections 1(a)-(c) have been made by either the vendor or any individual whose contributions are attributable to the vendor pursuant to Executive Order 117 (2008).

**NOTE:** Contributions made prior to November 15, 2008 are applicable to Chapter 51 only.

**Part 3: DISCLOSURE OF CONTRIBUTIONS MADE**

**Check the box at top of page 2 if no reportable contributions have been made by the vendor.** If the vendor has no contributions to report, this box must be checked.

**Name of Recipient Entity** – Enter the full name of the recipient entity.

**Address of Recipient Entity** – Enter the recipient entity’s street address.

**Date of Contribution** – Indicate the date of the contribution.

**Amount of Contribution** – Enter the amount of the reportable contribution.

**Type of Contribution** – Select the type of contribution from the list provided.

**Contributor Name** – Enter the full name of the contributor.

**Relationship of Contributor to the Vendor** -- Indicate relationship of the contributor to the vendor, e.g. officer or partner of the company, spouse of officer or partner, resident child of officer or partner, 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.

**Part 4: CERTIFICATION**

Check box A if the person completing the certification and disclosure is doing so on behalf of the vendor and all individuals and/or entities whose contributions are attributable to the vendor.

Check box B if the person completing the certification and disclosure is doing so on behalf of the vendor only.

Check box C if the person completing the certification and disclosure is doing so on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Enter the full name of the person authorized to complete the certification and disclosure, the person’s title or position, date and telephone number.

## INFORMATION AND INSTRUCTIONS For Completing The "Two- Year Vendor Certification and Disclosure of Political Contributions" Forms

### USEFUL DEFINITIONS FOR THE PURPOSES OF Ch. 51 and E.O. 117

- **"Vendor"** means the contracting entity.
- **"Business Entity"** means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. The definition also includes (i) if a business entity is a for-profit corporation, any officer of the corporation and any other person or business entity that owns or controls 10% or more of the stock of the corporation; (ii) if a business entity is a professional corporation, any shareholder or officer; (iii) if a business entity is a general partnership, limited partnership or limited liability partnership, any partner; (iv) if a business entity is a sole proprietorship, the proprietor; (v) if the business entity is any other form of entity organized under the laws of New Jersey or any other state or foreign jurisdiction, any principal, officer or partner thereof; (vi) any subsidiaries directly or indirectly controlled by the business entity; (vii) any political organization organized under 26 U.S.C.A. § 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (viii) with respect to an individual who is included within the definition of "business entity," that individual's spouse or civil union partner and any child residing with that person.<sup>1</sup>
- **"Officer"** means a 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. Please note that officers of non-profit entities are excluded from this definition.
- **"Partner"** means one of two or more natural persons or other entities, including a corporation, who or which are joint owners of and carry on a business for profit, and which business is organized under the laws of this State or any other state or foreign jurisdiction, as a general partnership, limited partnership, limited liability partnership, limited liability company, limited partnership association, or other such form of business organization.
- **"Reportable Contributions"** are those contributions, including in-kind contributions, in excess of \$300.00 in the aggregate per election made to or received by a candidate committee, joint candidates committee, or political committee; or per calendar year made to or received by a political party committee, legislative leadership committee, or continuing political committee.
- **"In-kind Contribution"** means a contribution of goods or services received by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.
- **"Continuing Political Committee"** includes 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 \$4,300 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a 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 by the Commission to be a continuing political committee in accordance with N.J.S.A. 19:44A-8(b).

<sup>1</sup> Contributions made by a spouse, civil union partner or resident child to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides are permitted.

## INFORMATION AND INSTRUCTIONS For Completing The "Two-Year Vendor Certification and Disclosure of Political Contributions" Forms

- "Candidate Committee" means a committee established by a candidate pursuant to N.J.S.A. 19:44A-9(a), for the purpose of receiving contributions and making expenditures.
- "State Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-4.
- "County Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-3.
- "Municipal Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-2.
- "Legislative Leadership Committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, or the Minority Leader of the General Assembly pursuant to N.J.S.A. 19:44A-10.1 for the purpose of receiving contributions and making expenditures.
- "Political Party Committee" means:
  1. The State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4;
  2. Any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or
  3. Any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.

### Agency Submission of Forms

The agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a completed Ownership Disclosure form, either electronically to [cd134@treas.state.nj.us](mailto:cd134@treas.state.nj.us) or regular mail at Chapter 51 Review Unit, P.O. Box 039, 33 West State Street, 9<sup>th</sup> Floor, Trenton, NJ 08625. Original forms should remain with the Agency and copies should be sent to the Chapter 51 Review Unit.

### Questions & Answers

Questions regarding the interpretation or application of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13) or Executive Order 117 (2008) may be submitted electronically through the Division of Purchase and Property website at <http://www.state.nj.us/treasury/purchase/execorder134.htm>. Responses to previous questions are posted on the website, as well as additional reference materials and forms.

**NOTE:** *The Chapter 51 Q&A on the website DOES NOT address the expanded pay-to-play requirements imposed by Executive Order 117. The Chapter 51 Q&A are only applicable to contributions made prior to November 15, 2008. There is a separate, combined Chapter 51/E.O. 117 Q&A section dealing specifically with issues pertaining to contributions made after November 15, 2008, available at <http://www.state.nj.us/treasury/purchase/execorder134.htm#state>.*



**State of New Jersey**  
**Division of Purchase and Property**  
**Two-Year Chapter 51 / Executive Order 117 Vendor Certification and**  
**Disclosure of Political Contributions**

**For AGENCY USE ONLY**

**General Information**

Solicitation, RFP or Contract No. \_\_\_\_\_ Award Amount \_\_\_\_\_

Description of Services \_\_\_\_\_

**Agency Contact Information**

Agency \_\_\_\_\_ Contact Person \_\_\_\_\_

Phone Number \_\_\_\_\_ Agency Email \_\_\_\_\_

**Part 1: Vendor Information**

Full Legal Business Name \_\_\_\_\_  
 (Including trade name if applicable)

**Business Type**     Corporation     Limited Partnership     Professional Corporation     General Partnership  
 Limited Liability Company     Sole Proprietorship     Limited Liability Partnership

Address 1 \_\_\_\_\_ Address 2 \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

Vendor Email \_\_\_\_\_ Vendor FEIN \_\_\_\_\_

**Part 2: Public Law 2005, Chapter 51/ Executive Order 117 (2008) Certification**

I hereby certify as follows:

1. On or after October 15, 2004, neither the below-named entity nor any individual whose contributions are attributable to the entity pursuant to Executive Order 117 (2008) has solicited or made any contribution of money, pledge of contribution, including in-kind contributions, company or organization contributions, as set forth below that would bar the award of a contract to the vendor, pursuant to the terms of Executive Order 117 (2008).
  - a) **Within the preceding 18 months**, the below-named person or organization has not made a contribution to:
    - (i) Any candidate committee and/or election fund of any candidate for or holder of the public office of Governor or *Lieutenant Governor*;
    - (ii) Any State, county, *municipal* political party committee; OR
    - (iii) Any *legislative leadership committee*.
  - b) **During the term of office of the current Governor(s)**, the below-named person or organization has not made a contribution to
    - (i) Any candidate, committee and/or election fund of the Governor or *Lieutenant Governor*; OR
    - (ii) Any State, county or *municipal* political party committee nominating such Governor in the election preceding the commencement of said Governor's term.
  - c) **Within the 18 months immediately prior to the first day of the term of office of the Governor(s)**, the below-named person or organization has not made a contribution to
    - (i) Any candidate, committee and/or election fund of the Governor or *Lieutenant Governor*; OR  
 Any State, county, *municipal* political party committee of the political party nominating the successful gubernatorial candidate(s) in the last gubernatorial election.

**PLEASE NOTE: Prior to November 15, 2008**, the only disqualifying contributions include those made by the vendor or a principal owning or controlling more than 10 percent of the profits or assets of a business entity (or 10 percent of the stock in the case of a business entity that is a corporation for profit) to any candidate committee and/or election fund of the Governor or to any state or county political party within the preceding 18 months, during the term of office of the current Governor or within the 18 months immediately prior to the first day of the term of Office of Governor.

**Part 3: Disclosure of Contributions Made**

**Check this box if no reportable contributions have been made by the above-named business entity or individual.**

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 _____	
Contributor Address _____	
City _____	State _____ Zip _____

If this form is not being completed electronically, please attach pages for additional contributions as necessary. Otherwise click "Add a Contribution" to enter additional contributions.

**Part 4: Certification**

I have read the instructions accompanying this form prior to completing this certification on behalf of the above-named business entity. I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

**I understand that this certification will be in effect for two (2) years from the date of approval, provided the ownership status does not change and/or additional contributions are not made.** If there are any changes in the ownership of the entity or additional contributions are made, a new full set of documents are required to be completed and submitted. By submitting this Certification and Disclosure, the person or entity named herein acknowledges this continuing reporting responsibility and certifies that it will adhere to it.

(CHECK ONE BOX A, B or C)

- (A)  I am certifying on behalf of the above-named business entity and all individuals and/or entities whose contributions are attributable to the entity pursuant to Executive Order 117 (2008).
  
- (B)  I am certifying on behalf of the above-named business entity only.
  
- (C)  I am certifying on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Signed Name \_\_\_\_\_ Print Name \_\_\_\_\_  
Phone Number \_\_\_\_\_ Date \_\_\_\_\_  
Title/Position \_\_\_\_\_

**Agency Submission of Forms**

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