

**BOROUGH OF BOUND BROOK
SOMERSET COUNTY, NEW JERSEY**

**REQUEST FOR BIDS
FOR
SALE OF WATER SYSTEM**

Issued: March 8, 2021

Bids Due: April 27, 2021

Optional Pre-Bid Meeting: March 30, 2021

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TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION AND DESCRIPTION OF THE BID PROCESS	1
1.1 Issuing Entity, Nature and Purpose of Procurement	1
1.2 General Overview	1
1.2.1 System Assets to be Sold by the Borough	1
1.2.2 Explanation of Real Property Interests to be Conveyed	1
1.3 Borough Objectives	2
1.4 Bid Submission Date	2
1.5 Project Participants and Advisors	2
1.6 Inquiries and Correspondence.....	2
1.7 Procurement Process.....	3
1.7.1 Process	3
1.7.2 Schedule Adherence	3
1.7.3 Pre-Bid Meeting and Site Visits	4
1.7.4 Written Questions Regarding RFB or Process.....	4
1.7.5 Addenda or Amendments to the RFB.....	4
1.7.6 Cost of Bid Preparation.....	5
1.7.7 Correction of Errors	5
1.7.8 Modification of Bids.....	5
1.7.9 Disclosure of Information in Bid	5
1.7.10 Withdrawal from Procurement Process	5
1.7.11 Disposal of Bids.....	5
1.7.12 Rights of the Borough and Conditions.....	6
1.8 Pay-to-Play Award.....	7
1.9 Pending Litigation, Conflicts of Interest.....	8
1.10 Public Hearing	8
1.11 Independent Due Diligence Required.....	8
2.0 BACKGROUND INFORMATION	9
2.1 General Borough Profile	9
2.2 Description of Sewer System.....	9
2.3 RESERVED.....	9
2.4 Rates	9
2.5 Audit Reports.....	9
2.6 Existing Borough Agreements.....	9
2.6.1 [Reserved].....	Error! Bookmark not defined.
2.6.2 [Reserved].....	Error! Bookmark not defined.
2.7 Borough Employees.....	9
2.8 Customer Billing Information.....	9
3.0 COMPANY RESPONSIBILITIES.....	10
3.1 General.....	10
3.2 Operation of Borough System	10
3.3 Reserved.....	Error! Bookmark not defined.
3.4 Reserved.....	Error! Bookmark not defined.
3.5 Municipal Consent and BPU Approval of Sale	10
4.0 EVALUATION CRITERIA	11

4.1	General.....	11
4.1.1	Minimum Requirements	11
5.0	INSTRUCTIONS FOR PREPARATION AND SUBMISSION OF BIDS.....	12
5.1	Submission Requirements.....	12
5.1.1	Bid Submission; Timing of Submission; Number of Bids to be Submitted	12
5.1.2	Bid Forms	12
5.1.3	Completeness	12
5.2	Organization and Form of Bid	13
5.2.1	Organization of Bid	13
5.2.2	Form of Bid.....	13
5.3	Section I: Executive Summary.....	13
5.3.1	General Provisions	13
5.3.2	Letter of Qualification, Letter of Intent and Signature Requirements	13
5.3.3	Bid Bond.....	14
5.4	Section II: Technical Qualifications and Experience.....	14
5.4.1	Qualifications and Experience of Bidder.....	14
5.4.2	Qualifications and Experience of Key Personnel	14
5.4.3	Regulatory Compliance	15
5.5	Section III: Financial Bid.....	15
5.6	Section IV: Business Bid	15
5.6.1	Financial Strength.....	15
5.6.2	Proposed Capital Investments.....	15
5.6.3	Customer Service Plan.....	16
5.6.4	Exceptions to the Agreement of Sale.....	16

APPENDICES

- A. Glossary
- B. Draft Agreement of Sale
- C. Bid Forms
- D. Description of System
- E. Registration for Updates
- F. 2017, 2018 and 2019 Audit Reports
- G. [Reserved]
- H. Existing Borough Agreements
- I. [Reserved]
- J. Capital Expense Plan
- K. Current Rate Structure and History of Rate Increases
- L. [Reserved]
- M. Permits
- N. [Reserved]

Appendix D – Description of System (See OneDrive Link on Brough’s website)

- System Studies

Appendix F – Audit Reports (See OneDrive Link on Brough’s website)

- 2017 - 2018
- 2018 - 2019
- 2019 - 2020

Appendix H – Existing Borough Agreements (See OneDrive Link on Brough’s website)

- Developer Agreement
- Bridgewater Agreement
- Middlesex County Utilities Authority Contract

Appendix J – Capital Expense Plan (See OneDrive Link on Brough’s website)

Appendix K – Rate Structure (See OneDrive Link on Brough’s website)

Appendix M – Permits (See OneDrive Link on Brough’s website)

1.0 INTRODUCTION AND DESCRIPTION OF THE BID PROCESS

1.1 Issuing Entity, Nature and Purpose of Procurement

This Request for Bids is being issued in accordance with and pursuant to N.J.S.A. 40:62-1 (“Municipal Sale Law”). Through the issuance of this Request for Bids (“RFB”), the Borough of Bound Brook (the “Borough”) is hereby requesting Bids from parties interested in entering into an agreement to purchase the Borough’s wastewater collection system (the “System”). The System is currently owned and operated by the Borough. After analyzing the operations and finances over recent years, the Borough Council concluded for a variety of reasons (e.g. technical, managerial, and financial requirements, regulatory environment, and customer base) that it should issue this RFB to determine if a larger and/or private sector enterprise would be better suited to handle the long-term needs of the System’s customers. The Borough intends to sell the System only if the purchase price for the System is at least sufficient to defease the Borough’s outstanding debt and to cover certain obligations of the Borough as described in Section 1.3. The Borough will only sell the System to a single Purchaser. System customers and Borough residents have been made aware of the Borough’s plan to obtain Bids for the sale of the water system through public presentations and discussions at Borough Council meetings in 2020 and 2021. In the event that the Borough receives one or more Bids, the Borough will hold a public hearing prior to execution of an agreement with the selected respondent as required pursuant to the Municipal Sale Law.

1.2 General Overview

The Borough owns and operates the System which services approximately 2,936 customers. The System is more fully described in Appendices D, H and N.

1.2.1 System Assets to be Sold by the Borough

The Borough will sell and Buyer will purchase, for monetary consideration, and subject to the requirements stated hereinafter in this RFB and the Draft Sales Agreement, all rights in real property, and all contract rights, relating to the System identified in the Description of System in Appendix D of this RFB. The purchase will include all transferable permits, contracts, agreements, facilities, pump stations, emergency generators and appurtenances, but shall exclude personal property, cash, securities and accounts receivable of the Systems for services rendered up to and including the Closing Date. The New Jersey Department of Environmental Protection (the "NJDEP") will be required to issue or transfer certain permits and licenses currently held by the Borough to the Buyer. The existing Borough permits are attached in Appendix M.

1.2.2 Explanation of Real Property Interests to be Conveyed

The Borough will transfer its interest in all of its title, easements or other interests in the real

property it is conveying, as described in Appendix D.

1.3 Borough Objectives

The Borough is seeking to sell the System to a single qualified and experienced Bidder which Bidder will take over ownership, operations, maintenance and management of the System. The Borough does not anticipate selling the System unless the purchase price is sufficient to defease outstanding debt and cover certain additional obligations. In addition, the Borough desires to have the Buyer assume responsibility for all outstanding regulatory requirements as set forth in more detail in Section 2.0. Finally, the Borough desires to assure the best potential rate structure for the ratepayers following the sale as set forth in the Draft Sale Agreement.

1.4 Bid Submission Date

Copies of the Bid responding to this RFB must be submitted no later than 1:00 p.m. (Eastern Time) on April 27, 2021 in accordance with Section 5 of this RFB. Bids shall be in a sealed package addressed to:

Hector Herrera, Business Administrator
Borough of Bound Brook
Municipal Building
230 Hamilton Street
Bound Brook, NJ 08805

Instructions on the form and content of the Bid are given in Section 5 of this RFB.

1.5 Project Participants and Advisors

The Borough Council is responsible for authorizing all activities relating to the System. The Borough Council has assembled a group of Borough representatives and consultants to form a project team to assist in this procurement process (Project Team). The Project Team will serve the function of directing and reviewing the detailed activities undertaken with regard to the procurement and with Borough Council representatives will review and evaluate Bids received in response to the RFB.

1.6 Inquiries and Correspondence

All inquiries and correspondence relating to this RFB should be directed to:

Hector Herrera, Business Administrator
Borough of Bound Brook
Municipal Building
230 Hamilton Street
Bound Brook, NJ 08805
bids@boundbrook-nj.org

with a copy of all written (including electronic) correspondence to:

Ryan J. Scerbo, Esq.
DeCotiis, FitzPatrick, Cole & Giblin, LLP
61 South Paramus Road
Suite 250
Paramus, NJ 07652
rscerbo@decotiislaw.com

Bidders shall not contact any Borough employees or elected officials in connection with this RFB at any time during the RFB process. All questions shall be sent in writing (including electronic communications) and delivered to the above addresses by 5:00 p.m. (Eastern Time) by the applicable date as described in subsection 1.7.2 of this RFB. The Borough will respond to those written questions which it deems appropriate. Responses will be distributed to all Bidders that have registered with the Borough.

1.7 Procurement Process

1.7.1 Process

The RFB process will include the issuance of this RFB followed by the review, clarification and evaluation of Bids received. The Borough will consider the factors listed in Section 4.0 of this RFB in its evaluation of Bids. The Draft Agreement of Sale reflects the terms of the sale desired by the Borough. While Bidders are permitted to propose changes to the Draft Agreement of Sale, such changes shall be considered in the evaluation of Bids. Bidders proposing significant changes run the risk of being deemed non-responsive. Following selection of the highest responsible Bidder, the Borough will enter into the Agreement of Sale. If final resolution is not achieved, the Borough reserves the right to the next highest responsible Bidder. After a final Agreement of Sale is completed, the Borough intends to hold at least one public hearing on the terms of the Agreement as required under the Municipal Sale Law. Bidders are advised that the Agreement of Sale is subject to approval by the Borough voters via a referendum authorizing the sale.

1.7.2 Schedule Adherence

The Borough wishes to proceed with the RFB as expeditiously as possible. The following schedule identifies major activities and dates in the procurement process, but the Borough reserves the right to modify the schedule:

Optional Pre-Bid Meeting	March 30, 2021
Site Visits	April 6, 2021 – April 17, 2021 (excluding weekends)
Bidder Questions Due	April 16, 2021
RFB Responses Due	April 27, 2021

To efficiently review and evaluate the Bids received (and to avoid the need for a costly and lengthy clarification process), the Bidder should conform to the submission and format requirements set forth in Section 5 of this RFB.

1.7.3 Pre-Bid Meeting and Site Visits

An optional pre-Bid meeting will be held at 10:00 a.m. on March 30, 2021 via a remote meeting platform. Information needed to access the pre-Bid meeting will be provided to Bidders when they register with the Borough for the RFB. Attendance at the pre-Bid meeting is not mandatory but it is highly encouraged. Individual Bidder site visits will be conducted via appointment during April 6 through April 17, 2021 (excluding weekends) on a first come first serve basis. Bidders that desire to schedule a site tour of the System during this timeframe should contact Dale Leubner, Superintendent of Public Works at (732)-356-0833 x 633 to arrange for such tours. Bidders shall agree to indemnify and hold the Borough harmless from any and all claims arising from Bidder's obtaining access and/or having access to the System. All Bidders shall be required to attend site tours with proper personal protection equipment including face mask, gloves, eye protection and hardhats. Although information concerning the System may be discussed on the site tours, Bidder's must submit all questions in writing via the process set forth in Section 1.7.4. below and shall not rely on any verbal communications received during the site tour process.

1.7.4 Written Questions Regarding RFB or Process

Prospective Bidders may submit written (or electronic) questions regarding this RFB in accordance with Section 1.6. All such questions should be submitted by 5:30 PM on April 16, 2021. The Borough may, but shall not be obligated to, respond to such questions. Any responses to questions will be circulated to all prospective registered Bidders.

1.7.5 Addenda or Amendments to the RFB

During the period provided for the preparation of Bids, the Borough may issue addenda or amendments to this RFB. The Borough shall issue notice that addenda or amendments have been made available, and will send such addenda or amendments to the prospective Bidders that registered in accordance with **Appendix E**. These addenda will be issued by, or on behalf of, the Borough, and will constitute a part of the RFB. Each Bidder is required to acknowledge receipt of all addenda at the time of submission of the Bids by submitting an executed acknowledgment form included as Bid Form 6 contained in **Appendix C**. All responses to this RFB shall be prepared with full consideration of the addenda issued prior to the Bid submittal date. In order for a Bidder to ensure that it receives all updates/addenda to this RFB, it must provide a completed registration form, which can be found in on the Borough's website at <http://boundbrook-nj.org/bids-rfps/>

1.7.6 Cost of Bid Preparation

Each Bid and preparation of all information required pursuant to this RFB shall be prepared at the sole cost and expense (including legal costs) of the Bidder. There shall be no claims whatsoever against the Borough, its staff, or its consultants for reimbursement for the costs or expenses (including legal costs) incurred during the preparation of the Bid or other information required by this RFB or procurement process.

1.7.7 Correction of Errors

Prior to the submission of Bids, erasures or other corrections in the Bid must be initialed by a designated signatory of the Bidder. The Bidder further agrees that in the event any errors are noticed by the Borough after the Bid is opened, the Borough reserves the right, but does not have the obligation, to waive such errors.

1.7.8 Modification of Bids

Prior to the Bid submission date, a Bidder may modify its previously submitted Bid if a modified Bid is either hand delivered in accordance with Section 1.4 by or on behalf of an authorized representative of the Bidder, or delivered in accordance with Section 1.4 by certified mail.

1.7.9 Disclosure of Information in Bids

The Borough will consider requests to protect proprietary information submitted with Bids. The Bidder should clearly and specifically label all such material and cite the appropriate law which protects such proprietary information. General requests to protect the entire Bid are not acceptable. The Borough shall notify a Bidder of any Open Public Records Act request for information that has been designated as proprietary information by the Bidder. It is the intention of the Borough that Bids will not be made available to the public until after an Agreement of Sale has been executed.

1.7.10 Withdrawal from Procurement Process

Bids received in accordance with Section 1.4 above before the time of opening of Bids may be withdrawn upon written application of the Bidder who shall be required to produce evidence showing that they are or they represent the principal or principals involved in the Bid. Bids may not be withdrawn within twenty-four (24) hours of the stipulated time for receipt of Bids. Once Bids have been opened, they must remain firm for a period of 180 days following submission.

1.7.11 Disposal of Bids

All Bids are the property of the Borough and will not be returned (except with respect to Bid bonds (or certified bank checks or standby letters of credit), which will be returned in accordance with this RFB). At the conclusion of the procurement process, the Borough may dispose of any and all copies of Bids

received in whatever manner it deems appropriate. In no event will the Borough assume liability for any loss, damage or injury which may result from any disclosure or use of marked data which occurs prior to the disposal of Bids.

1.7.12 Rights of the Borough and Conditions

The Borough reserves, holds and may exercise, at its sole discretion, the following rights and conditions with regard to this RFB. By responding to this RFB, Bidders acknowledge and consent to the following conditions relative to the procurement process and the determination of a Selected Bidder:

- All inquiries will be addressed as set forth in Section 1.6 of this RFB.
- This RFB does not obligate the Borough to contract for any sale of the System.
- The Borough reserves the right to change or alter the schedule for any events associated with this procurement.
- All costs incurred in connection with responding to this RFB will be borne by the Bidder and the Borough will in no event (including upon a successful procurement challenge) be responsible for any Bidder's cost or be liable to a Bidder.
- The Borough reserves the right to reject, for any valid reason, any and all Bids and components thereof and to eliminate, for any valid reason, any and all Bidders responding to this RFB from further consideration for this procurement in accordance with applicable law.
- The Borough reserves the right to eliminate any Bidder who submits incomplete, inadequate responses or is not responsive to the requirements of this RFB.
- The Borough reserves the right to reject all Bids and to cancel the procurement.
- The Borough reserves the right to designate a representative to act in its place or on its behalf during this procurement process.
- The Borough reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFB, or otherwise request additional information, prior to or following Bid submissions.
- All Bids become the property of the Borough and will not be returned.
- All activities related to the sale shall be subject to all applicable federal, State and local laws, regulations, rules and/or requirements.

- The Borough (including its staff and advisors) reserves the right to visit any of the facilities referenced in each Bid to observe the operations of such facilities. Such site visits will be made at a mutually agreeable time.
- The Borough reserves the right to conduct investigations of any or all of the Bidders, as the Borough deems necessary or convenient, to verify the information provided as part of a response and to request additional information to support the information included in any Bid.
- The Borough reserves the right to seek clarification of any aspect of a Bid and to seek best and final Bids, by written communications or interviews of Bidders.
- The Borough reserves the right to determine that any Bid received complies or fails to comply with the terms of this RFB.
- The Borough reserves the right to waive any technical non-conformance with the terms of this RFB.
- All responses may be made available to the public at the appropriate time, as determined by the Borough (in the exercise of its sole discretion) in accordance with law.
- Neither the Borough, nor its staff, and/or advisors shall be liable for any claims or damages resulting from the solicitation or preparation of this RFB, nor will there be any reimbursement to Bidders for the cost of preparing and submitting a Bid or for participating in this procurement process.
- The Borough reserves the right to suspend or terminate the procurement process described in this RFB (or implied) at any time (at its sole discretion.) If terminated, the Borough may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Bidders.
- The Borough reserves the right to select a Bidder that offers a Purchase Price that does not achieve the stated goal set forth in Section 1.3.

1.8 Pay-to-Play Award

The successful Bidder must comply with the State's Pay-to-Play law (N.J.S.A. 19:44A et seq.), and sign all associated documents (Business Entity Disclosure Certification, C.271 Political Contribution Disclosure Form and Stockholder Disclosure Certification). It is highly recommended that Bidders become familiar with this law prior to submitting a Bid.

1.9 Pending Litigation, Conflicts of Interest

The Borough requires that the Selected Bidder must (a) Not be a party to, or otherwise involved in, any pending litigation, investigation, financial foreclosure or other action, or any other procedure that would in any way impair its ability to perform its responsibilities under the anticipated contract; (2) Not be affiliated with, owned by, or otherwise engaged with any other firms that could pose a real or potential conflict of interest with the Borough; (3) Not be in arrears to the Borough for any taxes, fees, or other obligations; and (4) Not be found guilty of, either as an organization and/or on the part of its owned, principals, or executives, any illegal activities that preclude it from establishing contracts with government entities.

1.10 Public Hearing

Once an Agreement of Sale has been fully developed with the Selected Bidder, the Borough intends to make such agreement available to the public and to hold public hearings on the agreement. Following the public hearings, the Borough intends to keep the record open for seven (7) days to allow for any members of the public to submit comments. Once the open public record period closes, it is anticipated that the Borough Council will determine whether to pass an ordinance authorizing the execution of the Agreement of Sale or make revisions to the Agreement of Sale before passing an ordinance approving same.

1.11 Independent Due Diligence Required

While the Borough believes that the information supplied as part of this RFB is an accurate reflection of its understanding related to the System being sold, it is provided only to assist Bidders in evaluating the System. Neither the Borough nor its employees, officials, consultants or advisors make any warranty as to the accuracy or completeness of such information. Bidders are required to make their own evaluations before submitting a Bid and should not solely rely on the documents listed above or contained herein as the basis for their Bid.

2.0 BACKGROUND INFORMATION

2.1 General Borough Profile

The Borough provides sewer service to approximately 2,555 homes and businesses located within the Borough and 381 customers homes and business located in Bridgewater, New Jersey via an agreement between the Borough and Bridgewater. In addition, the Borough anticipates adding approximately 600 additional customers to the System over the next three years. Please see **Appendix H** for more information.

2.2 Description of Sewer System

Please refer to **Appendix D** for a comprehensive description of the System. **Appendix J** contains a recommended capital expense plan. Capital expense items that have been completed by the Borough are also identified in **Appendix J**.

2.3 RESERVED

2.4 Rates

Current rate information and the Borough's history of rate increases is included in **Appendix K** to this RFB. Rates were last increased in 2020. Bidders must review the Draft Agreement of Sale which contains the Borough's desired rate increase limitations for the System post sale.

2.5 Audit Reports

Appendix F contains copies of the Borough's 2017, 2018 and 2019 audit reports.

2.6 Existing Borough Agreements

The Borough has several agreements in place that the Buyer will be required to assume upon Closing including: (i) a service agreement with Bridgewater Township which is currently being renegotiated. A copy of the existing and draft agreement with Bridgewater is included in **Appendix H** and the Buyer shall be required to assume requirements of the agreement.

2.6.1 Reserved

2.6.2 Reserved

2.7 Borough Employees

No Borough employees will be transferred to, or offered to, the selected Bidder.

2.8 Customer Billing Information

The Borough currently utilizes First Byte Software for billing. In addition, the Borough utilizes Cit-e-net for online payments.

3.0 COMPANY RESPONSIBILITIES

3.1 General

This Section provides a summary of the responsibilities and financial obligations that the Company will assume following the sale of the System. Bidders are advised that the Agreement of Sale will be the definitive statement of the responsibilities of the Bidder.

3.2 Operation of Borough System

The Borough will continue to operate the System until the Closing Date. Buyer will operate the System thereafter at its own cost and expense. Buyer must provide Buyer's customer service standards that it will apply to the customers of the System (domestic users, industrial users and commercial users) have (Customer Service Standards). By executing the Agreement of Sale, Buyer will covenant to continue to provide services in accordance with the Customer Service Standards and will covenant to guarantee the continuous, uninterrupted service.

3.3 Reserved

3.4 Reserved

3.5 Municipal Consent and BPU Approval of Sale

The Buyer shall be responsible for obtaining municipal consent from the Borough to provide for the ownership, construction, expansion and maintenance of sewer facilities on public property within the Borough. The Buyer shall also be responsible for obtaining BPU approval of such municipal consent pursuant to N.J.S.A. 48:2-14 as well as approval of the sale pursuant to N.J.S.A. 48:2-51.1.

4.0 EVALUATION CRITERIA

4.1 General

The Borough will undertake a review and evaluation of Bids submitted in response to this RFB in a manner consistent with the provisions of this RFB and will select the highest responsible bidder. Bids will first be evaluated to determine if they satisfy the minimum requirements set forth in Section 4.1.1. below. Bids that meet the minimum requirements will then be reviewed to determine the highest responsible bidder.

Upon receipt of Bids, the Project Team will review each Bid to determine its completeness and compliance with submittal requirements. Only complete Bids will be fully evaluated.

4.1.1 Minimum Requirements

The Bidder must meet the following minimum requirements:

- (a) The Bidder must own or operate at least one wastewater collection system in New Jersey;
- (b) The Bidder must operate or have operated a wastewater collection system at least as large as the Borough's System;
- (c) The Bidder shall provide a staffing plan that will demonstrate that it can provide experienced personal committed to undertaking the operation, maintenance and management of the System;
- (d) The Bidder shall provide information demonstrating its financial capability;
- (e) The Bidder shall provide a mark-up to the Draft Agreement of Sale;
- (f) The Bidder shall clearly express its commitments with respect to completing capital improvements related to reducing inflow and infiltration; and
- (g) The Bidder shall provide a 10-year (or longer if proposed by a Bidder) binding rate structure (described in Section 5.5). Each binding rate structure should at a minimum reflect that existing rates will not increase for a specified number of years following Closing.

4.1.2 Financial Factors

4.1.2.1 Purchase Price

The Borough will select the highest responsible bidder to execute the Agreement of Sale. The Borough does not expect to accept a purchase price for the System of less than the amount necessary to defease the debt on the System as well as certain additional obligations of the Borough. In addition, the Borough will require that the Buyer provide a lump sum payment on the Closing Date in the amount of one-hundred and fifty thousand dollars \$150,000 to cover the Borough's administrative, technical and legal costs in connection with the sale ("Transaction Reimbursement Costs").

5.0 INSTRUCTIONS FOR PREPARATION AND SUBMISSION OF BIDS

5.1 Submission Requirements

5.1.1 Bid Submission; Timing of Submission; Number of Bids to be Submitted

Bids must be submitted by 1:00 p.m. (Eastern Time) on April 27, 2021. One original, five (5) hard copies and one electronic copy (cd or thumb drive) of the Bid shall be submitted to:

Hector Herrera, Business Administrator
Borough of Bound Brook
Municipal Building
230 Hamilton Street
Bound Brook, NJ 08805
bids@boundbrook-nj.org

One copy of the Bid documents must be clearly marked as the original and must contain the original signature forms and other original documents. The remaining 5 copies can be reproductions. Bidders shall number each set of documents in sequential order on the upper right corner of each cover.

All Bids submitted will remain unopened until the deadline for submission of the Bids has passed. At such time, all Bids received will be opened and distributed to the Project Team for review.

The delivery of the Bid to the Borough on the above date and prior to the time specified herein is solely and strictly the responsibility of the Bidder. The Borough shall not, under any circumstances, be responsible for delays caused by the United States Postal Service or any private delivery service, or for delays caused by any other occurrence.

5.1.2 Bid Forms

The Bid Forms specifically enumerate the requirements set forth in this RFB. A complete set of Bid Forms shall be included in each Bid submitted.

Each Bidder must fill out all of the forms completely. Use "N/A" to specify any items set forth in the Bid Forms which are not applicable to a Bid. It should be noted that the failure to fully complete all applicable Bid Forms by incorrectly providing that certain Bid Forms (or portions thereof) are not applicable to a Bid may result in a determination that the Bid is unresponsive. To provide additional information, use separate sheets following the Bid Form format.

In cases where a written price is used with a numeric price, the written price will govern.

5.1.3 Completeness

The Bidder must follow each and all of the instructions set forth in this Section in order for a Bid to be deemed responsive to this RFB. In all cases, the Borough reserves the right to determine, at its sole discretion, whether any aspect of the Bidder's Bid meets the submission requirements of this RFB. The Borough reserves the right to reject any Bid which, in its judgment, does not comply with these Bid

submission guidelines. In providing the information required within this Section 5.0 of this RFB, the Bidder should emphasize and should be responsive to the evaluation criteria described in this RFB.

5.2 Organization and Form of Bid

5.2.1 Organization of Bid

Bids submitted in response to this RFB should consist of the following sections:

SECTION I: Executive Summary

SECTION II: Technical Qualifications and Experience

SECTION III: Financial Bid

SECTION IV: Business Bid

5.2.2 Form of Bid

The Bidder shall provide the appropriate information required for each section, in accordance with the following content and format requirements:

1. The responses shall be concise, clear, factual, and complete with a minimum of extraneous material.
2. The information provided shall identify the section of the RFB being addressed.
3. The Bid shall be indexed and divided into sections and shall be prefaced with a table of contents.

5.3 Section I: Executive Summary

5.3.1 General Provisions

The Executive Summary shall summarize, in clear and concise language, the information contained in all other parts of the Bid. The Executive Summary should be drafted so that it may be easily understood.

5.3.2 Letter of Qualification, Letter of Intent and Signature Requirements

Together with each Bid, the Borough must receive one Letter of Qualification and one Letter of Intent, in the forms attached as Bid Form 1 and Bid Form 4, respectively, copied onto the official letterhead of the Bidder. The Letter of Qualification and Letter of Intent must be signed by an officer of the Bidder's entity who is empowered to sign such material and to commit the Bidder to the obligations contained in the Bid. If the Bidder is a partnership, the Bid shall be signed in the name of each firm by one or more of the general partners. If the Proposer is a corporation, the authorized officer shall sign his/her name and his/her title beneath the full corporate name.

All forms which require Bidder signatures shall be signed by the same individual(s) signing the

Letter of Qualification and Letter of Intent.

5.3.3 Bid Bond

A Bid Bond in the amount of \$20,000, payable to THE BOROUGH OF BOUND BROOK, must accompany the Bid when submitted. Such Bid Bond shall provide that if the Bid is accepted and the Bidder is determined to be the Selected Bidder, then prior to the expiration or termination of said Bond, the Selected Bidder will enter into an Agreement of Sale with the Borough, or if the Selected Bidder shall fail to do so, said surety will pay to the Borough, as liquidated damages, the full amount of the Bid Bond. At the option of the Bidder, the Bid Bond may be a bond secured by a guarantee of a surety company listed in the latest issue of United States Treasury Circular 570 and within the maximum amount specified in said circular and authorized to do business in the State, or a certified bank check or an irrevocable, standby "letter of credit". In the case of a certified bank check or a standby "letter of credit" same must be from a bank with a credit rating from either Standard & Poor's Corporation or Moody's Investors Service of at least "A."

Any Bid Bond, certified bank check or standby "letter of credit" must be valid for a period of at least 180 days from the Bid submission date. If the Agreement of Sale has not been executed prior to the expiration of the Bid Bond, certified bank check or standby "letter of credit", the Borough may require the renewal of the Bid Bond, certified bank check or standby "letter of credit" for an additional period of time. No Bid shall be considered unless accompanied by the required Bid Bond, certified bank check or standby "letter of credit". The form of the Bid Bond which must be submitted is included in **Appendix C**.

The Bid Bonds, certified bank check or standby "letter of credit" submitted by the Bidders shall be returned within 10 business days after execution of the Agreement of Sale by and between the Borough and the Selected Bidder.

5.4 Section II: Technical Qualifications and Experience

This Section shall describe the qualifications and experience of both the organization and key personnel that will undertake the operation, maintenance and management of the System.

5.4.1 Qualifications and Experience of Bidder

The Bidder shall provide information on the general expertise, experience, and reputation of the Bidder. The Bidder must demonstrate to the satisfaction of the Borough that it has the necessary qualifications to operate the System, maintain the physical plants and maintain all equipment in order to adequately operate and maintain the System. The Bidder shall describe the Bidder's experience and qualifications relevant to the operation and maintenance of sewer systems.

5.4.2 Qualifications and Experience of Key Personnel

The Bidder must demonstrate to the satisfaction of the Borough that it has on staff a sufficient

number of qualified personnel to operate the System, maintain the physical plants and maintain all equipment in order to adequately operate and maintain the existing System. The Bidder shall provide a description of all personnel anticipated to be significantly involved in the operation of the System, with a list of their educational degrees, licenses held and years of experience in sewer utility service operation and maintenance. Personnel shall be appropriately licensed (including NJDEP Class T3) and experienced in the performance of operating, maintaining, monitoring and repairing sewer systems.

5.4.3 Regulatory Compliance

The Bidder shall describe its record of compliance with applicable regulatory requirements. The Bidder shall list any material violations of any applicable regulatory requirements that have occurred in the last five (5) years, including any that resulted in fines over \$50,000.

5.5 Section III: Financial Bid

The Financial Bid shall contain Bid Form 3 (Purchase Price) and the Rate Stabilization Bid. The Bidder shall describe in detail its plan for implementing a binding rate structure for the ratepayers following the sale. Bidder shall propose its best offer to address the Borough's objective of stabilizing rates for its ratepayers following the sale. Proposed binding rate freezes or decreases, limits on annual rate escalation, etc. shall be described in detail. Bidders shall submit a ten-year binding rate schedule following the Closing Date. Bidders may propose a binding rate schedule in excess of ten years. The binding rate schedule should reflect that existing rates will not be raised for a specified number of years following Closing. In addition, Bidders shall submit a projected (non-binding) rate schedule that projects rates for a minimum of 20 years following the Closing Date.

5.6 Section IV: Business Proposal

5.6.1 Financial Strength

The Bidder must demonstrate to the satisfaction of the Borough that Bidder has the adequate financial resources to purchase the System from the Borough in accordance with the terms contained in the RFB and Draft Agreement of Sale. The Purchaser shall provide annual audited financial reports of its operations for the past three (3) years as part of the Bid. The Bidder shall also describe its anticipated plan for financing the purchase of the System.

5.6.2 Proposed Capital Investments

The Bidder shall provide its assumptions with respect to how much capital it expects to invest in the System over the ten (10) year period following the Closing Date. The Bidder shall identify anticipated capital improvements, provide a schedule for completing such improvements and identify which improvements, if any, are firm commitments.

5.6.3 Customer Service Plan

The Bidder shall describe its proposed customer service plan and plan for billing customers. The Bidder shall also describe how this new service area will be incorporated into existing operations. While the Purchaser will not be required to have a physical office in the Borough of Bound Brook, it is important to the Borough that its ratepayers continue to have a physical location in town where payments can be made in person. The Bidder shall describe its plan for transitioning receipt of in-person payments from the current Borough's office to a different pay in person facility (e.g. Quick Check, 7-11, etc.).

5.6.4 Exceptions to the Agreement of Sale

The Bidder shall mark-up the draft Agreement of Sale and identify areas where the Bidder takes exception, if any. While Bidders are permitted to propose changes to the Draft Agreement of Sale, such changes shall be considered in the evaluation scoring and Bidders proposing significant changes run the risk of being deemed non-responsive.

APPENDIX A

GLOSSARY

GLOSSARY

Capitalized terms used in this RFB have the meanings assigned herein as set forth below. Certain other capitalized terms not defined herein shall have the meanings assigned in the Agreement of Sale.

“Addenda” shall mean the as written amendment(s) to the RFB issued prior to the Bid due date to prospective Bidders who obtained the RFB.

“Agreement of Sale” shall mean the agreement attached hereto as **Appendix B**.

“Bid” means a document submitted for evaluation in response to this RFB.

“Bidder” means a Company that submits a Bid in response to this RFB.

“Bid Security” shall mean the amount of Twenty Thousand Dollars (\$20,000), by a certified check or bid bond or letter of credit issued by a surety/bonding company licensed in the State of New Jersey and acceptable to the Borough.

“Borough” shall mean the Borough of Bound Brook.

“Closing Date” shall mean 30 days following the receipt of BPU approval of the municipal consent or such other date as provided for in the terms of the Agreement of Sale.

“Selected Bidder” means the Company that is the highest responsible bidder selected to execute the Agreement of Sale with the Borough after review of the submitted Bids.

“Seller” shall mean the Borough.

“System” shall mean the Borough’s sewer collection system.

APPENDIX B

DRAFT AGREEMENT OF SALE

See <http://boundbrook-nj.org/bids-rfps/>

APPENDIX C

BID FORMS

BID CHECKLIST

Owner's **CHECKMARKS**

Items Submitted with Bid
Bidder's **INITIALS**



**A. FAILURE TO SUBMIT ANY OF THESE ITEMS WITH THE
BID IS MANDATORY CAUSE FOR REJECTION**



- Letter of Qualification –Bid Form 1 _____
- Bid Bond or certified/cashier's check - Proposal Form 2 _____
- Purchase Price –Bid Form 3 _____
- Letter of Intent –Bid Form 4 _____
- Disclosure Statement – Bid Form 5 _____
- Acknowledgment of Receipt of Addenda (if any) –Bid Form 6 _____
- Statement of Ownership –Bid Form 7 _____
- Non-Collusion Affidavit –Bid Form 8 _____
- C.271 Political Contribution Disclosure Form – Bid Form 9 _____

**B. ITEMS PREFERRED AT TIME OF BID, BUT MANDATORY AT THE TIME
INDICATED**

- Disclosure of Investment Activities in Iran Form – Bid Form 10 _____
- New Jersey Business Registration Certificate (Prior to Contract Award) _____

PRINT NAME OF BIDDER: _____

SIGNED BY: _____

PRINT NAME AND TITLE: _____

DATE: _____

COMPLETE AND SUBMIT THIS CHECKLIST WITH THE BID

BID FORM 1

LETTER OF QUALIFICATION

(Note: To be typed on Bidder's Letterhead. No modifications may be made to this letter, except to italicized items.)

[Insert date]

Dear Borough Administrator:

The undersigned *has/have* reviewed *my/our* Bid submitted in response to the Request for Bids (RFB) issued by the Borough of Bound Brook ("the Borough "), in connection with the sale of the Borough's Sewer System.

I/We affirm that the contents of *my/our* Bid (which Bid is incorporated herein by reference) is accurate, factual and complete to the best of our knowledge and belief and that the Bid is submitted in good faith upon express understanding that any false statement may result in the disqualification of *(Name of Bidder)*.

(Bidder shall sign and complete the spaces provided below.)

(Signature)

(Typed Name and Title)

*(Type Name of Firm)**

Dated: _____

BID FORM 2

BID BOND

KNOW ALL MEN BY THESE PRESENT, that we [NAME OF BIDDER], as Principal (hereinafter the “Bidder”) and [NAME OF SURETY], a [Corporation], [Partnership] duly organized under the laws of the State of _____, as Surety, are held and firmly bound unto the Borough of Bound Brook (the “Borough”), as Obligee, in the sum of Twenty Thousand Dollars (\$20,000) lawful money of the United States of America to be paid to the Borough, its successors or assigns, for which payment, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, firmly by these present; and

WHEREAS, the above-named Bidder has submitted or is about to submit to the Borough a Bid to enter into an Agreement of Sale to purchase the Borough’s Sewer System as described in the Request for Bids, dated March 8, 2021 (the “RFB”), issued by the Borough and covered by the Bid submitted by the Bidder in response thereto, which Bid is made a part hereof.

NOW, THEREFORE, the Surety hereby understands that if the above-referenced Bid is accepted by the Borough, then the Bidder will in good faith enter into negotiation of a final Agreement of Sale in writing and give bond with surety acceptable to the Borough for the purchase of the Borough’s Sewer System within the time specified in the RFB, or any extension thereof agreed to in writing by the Borough. Surety hereby agrees that if the Bidder shall fail to do so, Surety will pay to the Borough, as liquidated damages, the full amount of this Bond within 30 calendar days after receipt by Bidder and Surety of written notice of such failure from the Borough, which notice shall be given with reasonable promptness, identifying this Bond and including a statement of the amount due. Upon execution of the Agreement of Sale, this Bond shall thereafter become null and void, otherwise to remain in full force and effect unless terminated as hereinafter provided.

It is agreed that this Bond shall become effective on the date the Bid is submitted and will continue in full force and effect for one hundred eighty (180) days from such date of submittal (unless extended) or until terminated as hereinafter provided.

If the Bid is not accepted within such 180-day time period, or any extension thereof agreed to in writing by the Borough and the Bidder, then after written notice by the Borough of such non-acceptance, this Bond may be terminated by the Surety or Bidder upon written notice to each other and to the Borough by registered mail at least 10 days prior to the termination date specified in such notice. Upon the giving of such notice, the Surety shall be discharged from all liability under this Bond for any act or omission of the Bidder occurring after the date of the notice of non-acceptance.

Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the State of New Jersey.

All capitalized terms used herein and not otherwise defined shall have the meaning set forth in the RFB.

IN WITNESS WHEREOF, the Surety and Bidder, intending to be legally bound hereby, do

each cause this Bid Bond to be duly executed on its behalf by its authorized officers, agents or representatives.

Signed and sealed this _____ day of _____, 20__.

SURETY
[NAME OF SURETY]

BIIDDER
[NAME OF BIDDER]

Name

Name

Name of Authorized Signatory

Name of Designated Signatory

Signature

Signature

Title

Title

BID FORM 3

PURCHASE PRICE

Total Purchase Price: Bidder hereby proposes a TOTAL PURCHASE PRICE in accordance with the RFB for the assets described therein at an amount set forth in words as follows:

and in dollars as follows:

\$ _____

(Bidders acknowledge that in case of discrepancy, the amount in words will govern)

Plus an amount of \$150,000 payable to Seller for Transaction Reimbursement Costs.

Bidders should provide a clear description of their rate stabilization proposal on a separate page.

Name of Bidder

Signature

Title

BID FORM 4

LETTER OF INTENT

(Note: To be typed on Bidder's Letterhead. No modifications may be made to this letter, except to italicized items.)

[Insert date]

Dear Borough Administrator:

The undersigned, as Bidder, *has (have)* submitted the attached Bid in response to a Request for Bids (RFB), issued by the Borough of Allendale (“the Borough”), for the Sale of the Borough’s Sewer System.

(Name of Bidder) HEREBY STATES:

1. The Bid contains accurate, factual and complete information.
2. *(Name of Bidder)* agrees/agrees to participate in good faith in the contract process as described in the RFB and to adhere to the Borough’s contract schedule.
3. *(Name of Bidder)* acknowledges/acknowledge that all costs incurred by *it (them)* in connection with the preparation and submission of the Bid prepared and submitted in response to the RFB, or any negotiation which results from this RFB shall be borne exclusively by the Bidder.
4. *(Name of Bidder)* hereby declares/declare that the only persons participating in this Bid as Principals are named herein and that no person other than those herein mentioned has any participation in this Bid or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the Borough.
5. *(Name of Bidder)* declares that this Bid is made without connection with any other person, firm or parties who has submitted a Bid, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.
6. *(Name of Bidder)* acknowledge and agrees that the Borough may modify, amend, suspend and/or terminate the contract process (in its sole judgment). In any case, the Borough shall not have any liability to the Bidder for any costs incurred by the Bidder

with respect to the contract activities described in this RFB.

(Bidder shall sign and complete the space provided below.)

(Signature)

(Typed Name and Title)

*(Type Name of Firm)**

Dated: _____

BID FORM 5

DISCLOSURE STATEMENT

N.J.S.A. 40A:9-22.1 et seq.

(Must be completed for Response to be accepted.)

The attention of Bidders is drawn to the provisions of the Local Government Ethics Law (N.J.S.A. 40A:9-22-1, et seq.) which prohibits a Borough Officer or employee or member of his/her immediate family from having an interest in a business organization or engaging in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.

In furtherance thereof, every Bidder must disclose below, being a Borough Officer or employee or whether an immediate family member is a Borough Officer or employee. If the Bidder is a business organization, then disclosure shall be made with respect to anyone having an interest in the business and their immediate family members.

Please answer the following:

Is the Bidder or a member of the Bidder's immediate family, or anyone having an interest in the Bidder's business organization including their immediate family members, an officer or employee of the Borough?

NO _____ **YES** _____

If yes, provide the name of the individual and identify the position held, below, and notify, in writing, to the Borough Administrator, 230 Hamilton Street, Bound Brook, NJ 08805 (Attach copy of correspondence to this form.)

NOTE: All terms used herein are to be construed in accordance with their meaning under the Local Government Ethics Law, cited above.

Name of Bidder: _____

Authorized Signature: _____

Title: _____

Date: _____

BID FORM 6

ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA OR REVISIONS (IF ANY)

Bidder has examined and carefully studied the RFB, the other related data identified in the RFB, if any, and the following Addenda, receipt of all of which is hereby acknowledged.

<u>Addendum No.</u>	<u>Date Received</u>	<u>Addendum No.</u>	<u>Date Received</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name of Bidder

Signature

Title

BID FORM 7

STATEMENT OF OWNERSHIP

(N.J.S.A. 52:25-24.2)

(Must be completed for Response to RFB to be accepted.)

P.L. 1977, c. 33, §1, N.J.S.A. 52:25-24.2, became effective on March 8, 1977. It requires corporate and partnership Bidders for contracts with the Borough to submit a statement setting forth the following:

1. The names and addresses of all stockholders of a corporate Bidder who own 10% or more of its stock.
2. The names and addresses of all partners of a partnership Bidder who owns 10% or more of its partnership interests.
3. If one or more such stockholders or partners are itself a corporation or partnership, the names and addresses of all stockholders holding 10% or more of that latter corporation's stock, or the names and addresses of all partners holding a 10% or more interest in latter partnership.

In addition, the Borough, in the event that a Bidder is a limited liability company, requires that the Bidder must submit a statement setting forth the following:

- A. The names and addresses of all members owning a 10% or greater interest therein and, if any member of the limited liability company is a corporation or a partnership or a limited liability company.
- B. The names and addresses of the stockholders or partners or members holding a 10% or greater interest in such corporation, partnership or limited liability company.

The statement of such names and addresses must be submitted accompany the Response.

No Bidder will be qualified if there is a failure to comply with the requirements set forth above.

LIST HERE (OR ATTACH) THE NAMES AND ADDRESSES REQUIRED, AS DISCUSSED ABOVE.

NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

The undersigned acknowledges that it is mandatory that Bidders submit the required information with the response to the RFB. This information will not be accepted after the receipt of the responses. Failure to submit a disclosure statement, which conforms to the requirements of N.J.S.A. 52:25-24.2 will result in rejection of the response.

NAME OF BIDDER: _____

AUTHORIZED SIGNATURE: _____

TITLE: _____

DATE: _____

BID FORM 8

NON-COLLUSION AFFIDAVIT

Borough of Bound Brook

Request for Bids – Sale of Sewer System

STATE OF _____)
) ss:
COUNTY OF _____)

I, _____ of the City of _____ in the County of _____ and the State of _____ of full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____ the Bidder making the Bid for the above named project, and that I executed the said Bid with full authority so to do; 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 Bid and in this affidavit are true and correct, and made with full knowledge that the Borough of Bound Brook relies upon the truth of the statements contained in said Bid and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or prospective employees or bona fide established commercial _____ or _____ selling _____ agencies _____ maintained _____ by _____ for the purpose of securing business.

(N.J.S.A. 52:34-15) (NAME OF CONTRACTOR)

Subscribed and sworn to _____
(Type or print name of affiant under signature)

before me this ___ day
of _____ 20__.

Notary Public of _____
My commission expires _____, 20__.

BID Form 9

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

*C. 271 POLITICAL CONTRIBUTION
DISCLOSURE FORM***Public Agency Instructions**

This page provides guidance to public agencies entering into contracts with business entities that are required to file Political Contribution Disclosure forms with the agency. **It is not intended to be provided to contractors.** What follows are instructions on the use of form local units can provide to contractors that are required to disclose political contributions pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005, c. 271, s.2). Additional information on the process is available in Local Finance Notice 2006-1 (www.nj.gov/dca/lgs/lfns/lfnmenu.shtml).

1. The disclosure is required for all contracts in excess of \$17,500 that are **not awarded** pursuant to a “fair and open” process (N.J.S.A. 19:44A-20.7).
2. Due to the potential length of some contractor submissions, the public agency should consider allowing data to be submitted in electronic form (i.e., spreadsheet, pdf file, etc.). Submissions must be kept with the contract documents or in an appropriate computer file and be available for public access. **The form is worded to accept this alternate submission.** The text should be amended if electronic submission will not be allowed.
3. The submission must be **received from the contractor and** on file at least 10 days prior to award of the contract. Resolutions of award should reflect that the disclosure has been received and is on file.
4. The contractor must disclose contributions made to candidate and party committees covering a wide range of public agencies, including all public agencies that have elected officials in the county of the public agency, state legislative positions, and various state entities. The Division of Local Government Services recommends that contractors be provided a list of the affected agencies. This will assist contractors in determining the campaign and political committees of the officials and candidates affected by the disclosure.
 - a. The Division has prepared model disclosure forms for each county. They can be downloaded from the “County PCD Forms” link on the Pay-to-Play web site at www.nj.gov/dca/lgs/p2p. They will be updated from time-to-time as necessary.
 - b. A public agency using these forms **should edit them to properly reflect the correct legislative district(s)**. As the forms are county-based, **they list all legislative districts** in each county. **Districts that do not represent the public agency should be removed from the lists.**
 - c. Some contractors may find it easier to provide a single list that covers all contributions, regardless of the county. These submissions are appropriate and should be accepted.

- d. The form may be used “as-is”, subject to edits as described herein.
 - e. The “Contractor Instructions” sheet is intended to be provided with the form. It is recommended that the Instructions and the form be printed on the same piece of paper. The form notes that the Instructions are printed on the back of the form; where that is not the case, the text should be edited accordingly.
 - f. The form is a Word document and can be edited to meet local needs, and posted for download on web sites, used as an e-mail attachment, or provided as a printed document.
5. It is recommended that the contractor also complete a “Stockholder Disclosure Certification.” This will assist the local unit in its obligation to ensure that contractor did not make any prohibited contributions to the committees listed on the Business Entity Disclosure Certification in the 12 months prior to the contract. (See Local Finance Notice 2006-7 for additional information on this obligation) A sample Certification form is part of this package and the instruction to complete it is included in the Contractor Instructions. **NOTE: This section is not applicable to Boards of Education.**

C. 271 POLITICAL CONTRIBUTION

DISCLOSURE FORM

Contractor Instructions

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

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

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

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

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

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

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

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

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

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

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

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant to N.J.S.A. 19:44A-20.26

This form or its permitted facsimile must be submitted to the local unit no later than 10 days prior to the award of the contract.

Part I – Vendor Information

Vendor Name:			
Address:			
City:		State:	Zip:

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form.

Signature	Printed Name	Title

Part II – Contribution Disclosure

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than \$300 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

Check here if disclosure is provided in electronic form.

Contributor Name	Recipient Name	Date	Dollar Amount
			\$

Check here if the information is continued on subsequent page(s)

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Check here if the information is continued on subsequent page(s)

**List of Agencies with Elected Officials Required for Political Contribution Disclosure
N.J.S.A. 19:44A-20.26**

County Name: Somerset

State: Governor, and Legislative Leadership Committees

Legislative District #s: 16, 17, 21, & 22

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

County:

Freeholders

County Clerk

Sheriff

Surrogate

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

Bedminster Township	Franklin Township Green	Peapack-Gladstone Borough
Bernards Township	Brook Township	Raritan Borough
Bernardsville Borough	Hillsborough Township	Rocky Hill Borough
Bound Brook Borough	Manville Borough	Somerville Borough
Branchburg Township	Millstone Borough	South Bound Brook Borough
Bridgewater Township	Montgomery Township	Warren Township
Far Hills Borough	North Plainfield Borough	Watchung Borough

Boards of Education (Members of the Board):

Bedminster Township	Hillsborough Township	Somerville Borough
Bernards Township	Manville Borough	South Bound Brook
Bound Brook Borough	Millstone	Warren Township
Branchburg Township	Montgomery Township	Watchung Borough
Bridgewater-Raritan Regional	North Plainfield Borough	Watchung Hills Regional
Franklin Township	Rocky Hill	
Green Brook Township	Somerset Hills Regional	

Fire Districts (Board of Fire Commissioners):

Bridgewater Township Fire District No. 1	Franklin Township Fire District No. 3
Bridgewater Township Fire District No. 2	Franklin Township Fire District No. 4
Bridgewater Township Fire District No. 3	Hillsborough Township Fire District No. 1
Bridgewater Township Fire District No. 4	Montgomery Township Fire District No. 1
Franklin Township Fire District No. 1	Montgomery Township Fire District No. 2
Franklin Township Fire District No. 2	

BID FORM 10**DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN
(This form must be completed and submitted with bid)****Bidder:** _____**PART 1: CERTIFICATION****BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.****FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE BID NON-RESPONSIVE**

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

PLEASE CHECK THE APPROPRIATE BOX:

I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

OR

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-

responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS, PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, PLEASE PROVIDE ON A SEPARATE ATTACHED PAGE.

Name _____ **Relationship to Bidder**

Description of Activities

Duration of Engagement _____ **Anticipated Cessation Date**

Bidder/Offeror Contact Name _____ **Contact Phone**
Number _____

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the Borough is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Borough to notify the state in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the Borough at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____

Signature: _____

Title: _____

Date: _____

NEW JERSEY BUSINESS REGISTRATION

REQUIREMENTS – NON-CONSTRUCTION

All New Jersey and out of state business organizations must obtain a Business Registration Certificate (BRC) from the Department of Treasury, Division of Revenue, prior to conducting business in the State of New Jersey. Proof of valid business registration with the Division of Revenue, Department of Treasury, State of New Jersey, must be submitted for the vendor. No contract will be awarded without proof of business registration with the Division of Revenue. The contract will contain provisions in compliance with N.J.S.A. 52:32-44, as amended, outlined below.

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor.

Before final payment of the contract is made by the contracting agency, the contractor shall submit an accurate list and proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and each subcontractor and each of its affiliates (N.J.S.A 52:32-44 (g) (3)) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the "Sales and Use Tax Act" (N.J.S.A. 54:32 B-1, et seq.) on all sales of tangible personal property delivered into this state.


A business organization that fails to provide a copy of a registration as required pursuant to section 1 of P.L. 2001, c.134 (N.J.S.A. 52:32-44 et seq.) or subsection e. or f. of section 92 of P.L. 1977, c.110 (N.J.S.A. 5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000.00 for each business registration copy not properly provided under a contract with a contracting agency.

Sample Business Registration Certificates are attached. Certain other forms, such as a Certificate of Authority to collect Sales and Use Taxes or a Certificate of Employee Information Report Approval, are **not** proof of business registration.

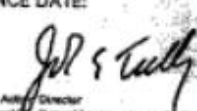
Any questions in this regard can be directed to the Division of Revenue at (609) 292-1730. Form NJ-REG can be filed online at:

<http://www.state.nj.us/treasury/revenue/gettingregistered.htm#busentity>

THESE ARE SAMPLES OF BUSINESS REGISTRATION CERTIFICATES.

	STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE
Taxpayer Name:	
Trade Name:	
Address:	
Certificate Number:	
Date of Issuance:	
For Office Use Only:	

OR

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE		<small>DEPARTMENT OF TREASURY DIVISION OF REVENUE P.O. BOX 282 TRENTON, N.J. 08646-0282</small>
TAXPAYER NAME:	TRADE NAME:	
TAXPAYER IDENTIFICATION#:	SEQUENCE NUMBER:	
ADDRESS:	ISSUANCE DATE:	
EFFECTIVE DATE:		
FORM-BRC(08-01)	<small>Acting Director</small>	<small>This Certificate is NOT assignable or transferable. It must be continuously displayed at above address.</small>

APPENDIX D

DESCRIPTION OF SYSTEM

See, <http://boundbrook-nj.org/bids-rfps/>

APPENDIX E

RESERVED

APPENDIX F

2017, 2018 AND 2019 AUDIT REPORTS

See <http://boundbrook-nj.org/bids-rfps/>

APPENDIX G

RESERVED

APPENDIX H

EXISTING BOROUGH AGREEMENTS

See <http://boundbrook-nj.org/bids-rfps/>

APPENDIX I

[RESERVED]

APPENDIX J

CAPITAL EXPENSE PLAN

See <http://boundbrook-nj.org/bids-rfps/>

APPENDIX K

CURRENT RATE STRUCTURE AND HISTORY OF RATE INCREASES

See <http://boundbrook-nj.org/bids-rfps/>

APPENDIX L

RESERVED

APPENDIX M

PERMITS

APPENDIX N

Reserved