



REQUEST FOR QUALIFICATIONS

Professional Legal Counsel: Special Counsel for Intellectual Property Matters

**The Board of Education of the
Bergen County Vocational School District
Paramus, New Jersey**

**John Susino
School Business Administrator & Board Secretary**



**Issue Date: September 21, 2023
Due Date: October 18, 2023**

NOTE: The Board of Education of the Vocational School District in the County of Bergen will consider qualifications only from firms or organizations that have demonstrated the capability and willingness to provide high-quality services in the manner described in this Request for Qualifications.

GLOSSARY

The following definitions shall apply to and are used in this Request for Qualifications:

- "**Board**" refers to The Board of Education of the Vocational School District in the County of Bergen.
- "**Bergen County Technical School District**" refers to The Board of Education of the Vocational Schools in the County of Bergen.
- "**Qualified Respondent**" refers to those Respondents who (in the sole judgment of the Board) have satisfied the qualification criteria set forth in this RFQ.
- "**Qualification Statement**" refers to the complete responses to this RFQ submitted by the Respondents.
- "**Respondent**" refers to the interested firm(s) that submits a Qualification Statement.
- "**RFQ**" refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

SECTION 1
INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose

The Board is soliciting Qualification Statements from interested persons and/or firms to provide intellectual property counsel services, including those services related to patent, trademark, copyright and trade secret issues. The firms or attorneys appointed under this Request for Qualifications ("RFQ") may be asked to provide a wide variety of legal services relating to intellectual property, copyright and trademark, such as filing, prosecuting, and maintaining intellectual property protection; licensing; and prosecuting and/or defending claims of infringement. No minimal amount of work will be guaranteed. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the Board with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Board will review Qualification Statements only from those firms that submit a Qualification Statement which includes all the information required to be included as described herein (in the sole judgment of the Board). The Board intends to qualify person(s) and/or firm(s) that (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the Board to provide the greatest benefit to the taxpayers of the County of Bergen.

1.2. Project/Services

The Bergen County Technical School District Board of Education is soliciting proposals for professional legal counseling services as special counsel for intellectual property matters for the period starting November 1, 2023 and ending October 31, 2024, or until such time as the Board may reorganize. The special counsel shall be required to perform the following services for the Board:

- a. Advice and counsel.
- b. Review of documents and informal advice.
- c. Drafting patent, trademark or other intellectual property applications and handling the filing and prosecution of applications.
- d. Maintenance of U.S. and foreign patents and trademarks.
- e. Litigation to defend or enforce the Board's intellectual property rights.
- f. Written opinions regarding inventorship, patentability, and infringement.

1.3. Background

The Board of Education of the Vocational Schools in the County of Bergen was founded in 1942 to oversee the County's growing need for vocational education. At that time, students studied the union trades of plumbing, carpentry, masonry and electrical work. Over the years, the cornerstone of Bergen County Technical Schools' success has been the ability to continually adapt academic and skill preparation programs to meet to the changing needs of industry and business. As a high school option for students in the County, the district's programs must remain market driven. The county high schools are located in Hackensack, Paramus and Teterboro, Old Tappan and Demarest and provide education to nearly 3,300 students annually.

Bergen County Technical Schools also provides Adult and Continuing Education at our various campuses. With nearly 20,000 students enrolled yearly, BCTS provides full-time and part-time courses to adult enrollees. For further information, please visit the district website www.bergen.org/bcts.

1.4. Procurement Process and Schedule

The selection of Qualified Respondents is not subject to the provisions of 18A:18A-1 et seq. Public School Contracts Law. The selection is subject to the "New Jersey Pay-to-Play" Law, P.L. 2005 c.271 N.J.S.A. 40A:11-51. The special counsel is advised of the responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-20.13 if the contractor receives contracts in excess of \$50,000.00 from public entities in a calendar year. It is the contractor's responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

The Board has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ. Qualification Statements will be evaluated in accordance with the criteria set forth in Section 2 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

Qualification Statements will be reviewed and evaluated by the Board and its legal, professional, and/or financial advisors (collectively, the "Review Team"). The Qualification Statements will be reviewed to determine if the Respondent has met the

minimum professional, administrative and financial areas described in this RFQ. Under no circumstances will a member of the review team review responses to an RFQ for a job which they or their firm submitted a response. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Board will (in its sole judgment) determine which Respondents are qualified (from professional, administrative and financial standpoints). Each Respondent that meets the requirements of the RFQ (in the sole judgment of the Board) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Board.

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Board reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the Board’s designated contact person below in writing or via email:

Mr. John Susino
Business Administrator & Board Secretary
Bergen County Technical School District
Administrative Office, Room 2300
540 Farview Avenue
Paramus, NJ 07652

Drop off hours:
8:30 a.m. – 11:30 a.m. and 1:30 p.m. – 3:30 p.m.

Email: johsus@bergen.org

Qualification Statements must be delivered and received by the Administrative office by 10:00 a.m. Prevailing Time on October 18, 2023.

Subsequent to issuance of this RFQ, the Board (through the issuance of addenda to all firms that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the Board.

TABLE 1
ANTICIPATED PROCUREMENT SCHEDULE ACTIVITY DATES

Issuance of Request for Qualifications	September 21
Deadline for Receipt of Qualification Statements	October 18
Opening of Bids	October 18
Review Team Analysis of Bids	October 18—October 25
Designation of Qualified Respondents	November 1 *

**The contract awarded under this process shall be made by resolution of the Board of Education. The award must be made within sixty (60) days of the receipt of the proposals, however subject to extension pursuant to N.J.S.A. 18A:18A-36 (a).*

1.5. Conditions Applicable to RFQ

Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- This document is an RFQ and does not constitute an RFP.
- This RFQ does not commit the Board to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- The Board reserves the right (in its sole judgment) to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.
- The Board reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ.

- The Board reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.
- All Qualification Statements shall become the property of the Board and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Board (in the exercise of its sole discretion) in accordance with law.
- The Board may request Respondents to send representatives to the Board for interviews.
- Any and all Qualification Statements not received by the Board by 10:00 a.m. Prevailing Time on October 18, 2023 will be rejected.
- Neither the Board, nor their respective staffs, consultants or advisors (including but not limited to the Review Team) shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

1.6. Rights of Board

The Board reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.
- To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.
- To waive any technical non-conformance with the terms of this RFQ.
- To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.
- To conduct investigations of any or all of the Respondents, as the Board deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
- To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion.) If terminated, the Board may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The Board shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

1.7. Addendums or Amendments to RFQ

During the period provided for the preparation of responses to the RFQ, the Board may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Board and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued prior to the proposal submission date.

1.8. Cost of Proposal Preparation

Each proposal and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the respondent. There shall be no claims whatsoever against the Board, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

1.9. Proposal Format

Responses should cover all information requested in the Questions to be answered in this RFQ.

Responses which in the judgment of the Board fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

SECTION 2

SCOPE OF SERVICE

It is the intent of the Board to solicit Qualification Statements from Respondents that have expertise in intellectual property legal matters. Therefore, basic legal research and start-up costs for educating new or additional attorneys or paralegals will not be permitted. The selected respondent shall be prepared to provide all legal counseling services as special counsel on intellectual matters that may arise through the course of the term of the contract. The special counsel will be expected to respond in a reasonable time frame to the requests of the District and provide an agreed schedule for each project issued. Firms and/or persons responding to this RFQ shall be able to demonstrate that they will have the continuing capabilities to perform these services. The special counsel shall attend all Board of Education meetings and report to the Superintendent of Schools, and/or his/her designee, regarding activities, litigation, issues and projects. General conditions of appointment include but are not limited to:

- Counsel will be presumed to have expertise in intellectual property legal matters and therefore basic legal research and start-up costs for educating new or additional attorneys or paralegals will not be permitted.
- Counsel must indicate hourly billing rates for shareholders, partners, associates and paralegals.
- The Board reserves the right to approve or disapprove any proposed changes in attorneys who may serve as counsel or who may provide services.
- Counsel may submit a fixed price agreement for services, i.e. a fixed price for a provisional patent, a full patent, etc.
- No overtime, overhead or secretarial services are to be invoiced.
- Counsel shall keep the Board Attorney currently informed of all relevant activities related to the work performed.
- Counsel shall send to the Board attorney in advance of all court or court required appearances and/or significant conferences, whether or not required by a court, and the Board shall be permitted to attend, unless prohibited by court rule or established practice.
- Counsel to send to the Board Attorney for review before filing or signature all significant pleadings, briefs, contracts or other documents. Firm to send all final drafts of work products, to the Board Attorney.
- Counsel must be authorized by Superintendent of Schools or Board Attorney before communicating with the public, press, faculty or staff on any Board matters

SECTION 3

SUBMISSION REQUIREMENTS

3.1. General Requirements

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

3.2. Administrative Information Requirements

The Respondent shall, as part of its Qualification Statement, provide the following information:

- An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement.
- An executed Letter of Qualification: **Appendix A**
- Name, address and telephone number of the firm or firms submitting the Qualification Statement pursuant to this RFQ, and the name of the key contact person.
- A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and its organizational structure.

- a) Provide the names and business addresses of all Principals of the firm or firms submitting the Qualification Statement. For purposes of this RFQ, "Principals" mean persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of 10% or more in the firm.
 - b) If a firm is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.
 - c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
- An executed Letter of Intent: **Appendix B**
 - The number of years your organization has been in business under the present name.
 - The number of years the business organization has been under the current management.
 - Any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
 - Whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please explain.
 - Confirm appropriate federal and state licenses to perform activities.
 - Pursuant to P.L. 2004 c.57, all proposals must be accompanied by a New Jersey Business Registration Certificate issued by the New Jersey Department of Treasury, Division of Revenue.
 - A statement that the board attorney agrees to comply with the Law Against Discrimination, pursuant to N.J.A.C. 17:27-1 et seq. as set for at length in **Appendix C** attached hereto and made a part hereof.
 - Fee Schedule
 - Political Contribution Disclosure Form: **Appendix D**

3.3. Professional Information Requirements

- Respondent shall be a certified attorney with a minimum of five (5) years experience. The Board is seeking a candidate that has significant experience matters involving intellectual property, including patent, copyright, trademark, and trade secret issues; licensing; and prosecuting and/or defending claims of infringement. At a minimum, the following information on past experience should be included as appropriate to the RFQ:
 - a) Description and scope of work by Respondent
 - b) Name, address and contact information of references
 - c) Explanation of perceived relevance of the experience to the RFQ
- Describe the services that Respondent would perform directly.
- Describe those portions of the Respondent's services, if any, that are sub-contracted out. Identify all subcontractors the Respondent anticipates using in connection with this project.
- Does the Respondent normally employ union or non-union employees?
- Resumes of key employees
- A narrative statement of the Respondent's understanding of the Board's needs and goals.
- List all immediate relatives of Principal(s) of Respondent who are Board employees or elected officials of the Board. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.

SECTION 4
SUBMISSION OF QUALIFICATION STATEMENTS

Respondents must submit their Qualification Statement to the following Designated Contact Person:

Mr. John Susino
Business Administrator & Board Secretary
Bergen County Technical School District
Administrative Office, Room 2300
540 Farview Avenue
Paramus, NJ 07652

Email: johsus@bergen.org

Drop off hours: 8:30 a.m. – 11:30 a.m. and 1:30 p.m. – 3:30 p.m. (Closed Sept 25)

1. All submissions must be marked with the specified RFQ on the outside of the package.
2. One original signed paper Qualification Statement, along with an electronic copy, must be received by the Board no later than 10 a.m. on October 18, 2023 and will not be considered after this time.
3. Original signed paper Qualification Statements will only be accepted via the following forms of delivery: USPS certified mail, FedEx, UPS, courier, and self-delivery. Acceptable electronic versions are USB drive or email.

The Board will not bear responsibility for delays in delivery for any reason.

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. Qualification Statements and all related information must be bound, and signed and acknowledged by the Respondent.

SECTION 5
EVALUATION

The Board's objective in soliciting Qualification Statements is to enable it to select a firm or organization that will provide high quality and cost-effective services to the citizens of the County of Bergen. The Board will consider Qualification Statements only from firms or organizations that, in the Board's judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the Board in the manner described in this RFQ.

Proposals will be evaluated by the Board on the basis of the most advantageous submission, all relevant factors considered. The evaluation will consider:

- Experience and reputation in the field;
- Knowledge of the School District and the subject matter addressed under the contract;
- Availability to accommodate the required meetings of the Board;
- Qualifications of the individual who will perform the service or activity and overall knowledge and familiarity with the operations of the School District;
- Qualifications and experience of the other members of the professional's firm and experience of the firm in providing similar services to other public bodies, with special emphasis on experience in New Jersey;
- Ability to perform the service or activity in a timely fashion, including staffing and staff's familiarity of the service or activity; and
- Other factors demonstrated to be in the best interest of the Board.

**APPENDIX A
LETTER OF QUALIFICATION**

(To be typed on Respondent's Letterhead. No modifications may be made to this letter)

[Insert date]

Mr. John Susino
Business Administrator & Board Secretary
Bergen County Technical School District
Administrative Office, Room 2300
540 Farview Avenue
Paramus, NJ 07652

Dear Mr. Susino:

The undersigned has/have reviewed my/our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Board of Education ("Board"), dated ____, in connection with the Board's need for ____.

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

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.)

<u>(Signature of Chief Executive Officer)</u> _____	<u>(Signature of Chief Financial Officer)</u> _____
<u>(Typed Name and Title)</u> _____	<u>(Typed name and Title)</u> _____
<u>(Type Name of Firm) *</u> _____	<u>(Type Name of Firm) *</u> _____
Date: _____	Date: _____

**** If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Qualification.***

**APPENDIX B
LETTER OF INTENT**

(To be typed on Respondent's Letterhead. No modifications may be made to this letter)

[insert date]

Mr. John Susino
Business Administrator & Board Secretary
Bergen County Technical School District
Administrative Office, Room 2300
540 Farview Avenue
Paramus, NJ 07652

Dear Mr. Susino:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the Board of Education ("Board"), dated ____, in connection with the Board's need for ____.

(Name of Respondent) HEREBY STATES:

The Qualification Statement contains accurate, factual and complete information.

(Name of Respondent) agrees (agree) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Board's procurement schedule.

(Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any proposal prepared and submitted in response to the RFP, or any negotiation which results therefrom shall be borne exclusively by the Respondent.

(Name of Respondent) hereby declares (declare) that the only persons participating in this Qualification Statement as Principals are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement 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 Board.

(Name of Respondent) declares that this Qualification Statement is made without connection with any other person, firm or parties who has submitted a Qualification Statement, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.

(Name of Respondent) acknowledges and agrees (acknowledge and agree) that the Board may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Board shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.

(Name of Respondent) acknowledges (acknowledge) that any contract executed with respect to the provision of [insert services] must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)
(Typed Name and Title) _____

(Type Name of Firm) * _____
Date _____

*** If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Intent.**

APPENDIX C
EXHIBIT A
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127)
N.J.A.C. 17:27 et seq.

GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES CONTRACTS

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

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

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

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

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

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

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

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

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

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

1. Letter of Federal Affirmative Action Plan Approval;
2. Certificate of Employee Information Report; or
3. Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at: [http:// www.state.nj.us/treasury/contract compliance](http://www.state.nj.us/treasury/contract%20compliance)).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

Signature, President

Date

APPENDIX D
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 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 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 \$200 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 Ownership 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.**

- Bergen County Technical Schools Cooperative #79-BCTSC
- Bergen County Technical Schools
- Bergen County Special Services

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:

No Reportable Contributions (Please check (✓) if applicable.)

I certify that _____ **(Business Entity)** made no reportable contributions to any elected official, political candidate or any political committee as defined in N.J.S.A. 19:44-20.26.

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 \$200 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.

<u>Contributor Name</u>	<u>Recipient Name</u>	<u>Date</u>	<u>Dollar Amount</u>

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: Bergen

State: Governor

Legislative District #s: 32, 35, 36, 37, 38, 39, & 40

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

County:

County Commissioners
County Executive

County Clerk
Surrogate

Sheriff

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

Allendale Borough	Fort Lee Borough	Moonachie Borough	Rockleigh Borough
Alpine Borough	Franklin Lakes Borough	New Milford Borough	Rutherford Borough
Bergenfield Borough	Garfield City	North Arlington Borough	Saddle Brook Township
Bogota Borough	Glen Rock Borough	Northvale Borough	Saddle River Borough
Carlstadt Borough	Hackensack City	Norwood Borough	South Hackensack Township
Cliffside Park Borough	Harrington Park Borough	Oakland Borough	Teaneck Township
Closter Borough	Hasbrouck Heights Borough	Old Tappan Borough	Tenafly Borough
Cresskill Borough	Haworth Borough	Oradell Borough	Teterboro Borough
Demarest Borough	Hillsdale Borough	Palisades Park Borough	Upper Saddle River Borough
Dumont Borough	Ho-Ho-Kus Borough	Paramus Borough	Waldwick Borough
East Rutherford Borough	Leonia Borough	Park Ridge Borough	Wallington Borough
Edgewater Borough	Little Ferry Borough	Ramsey Borough	Washington Township
Elmwood Park Borough	Lodi Borough	Ridgefield Borough	Westwood Borough
Emerson Borough	Lyndhurst Township	Ridgefield Park Village	Woodcliff Lake Borough
Englewood City	Mahwah Township	Ridgewood Village	Wood-Ridge Borough
Englewood Cliffs Borough	Maywood Borough	River Edge Borough	Wyckoff Township
Fair Lawn Borough	Midland Park Borough	River Vale Township	
Fairview Borough	Montvale Borough	Rochelle Park Township	

Boards of Education (Members of the Board):

Allendale Borough	Franklin Lakes Borough	North Arlington Borough	River Vale Township
Alpine Borough	Garfield City	Northern Highlands Regional	Rochelle Park Township
Bergenfield Borough	Glen Rock Borough	Northern Valley Regional	Rockleigh
Bogota Borough	Hackensack City	Northvale Borough	Rutherford Borough
Carlstadt Borough	Harrington Park Borough	Norwood Borough	Saddle Brook Township
Carlstadt-East Rutherford	Hasbrouck Heights Borough	Oakland Borough	Saddle River Borough
Cliffside Park Borough	Haworth Borough	Old Tappan Borough	South Hackensack Township
Closter Borough	Hillsdale Borough	Oradell Borough	Teaneck Township
Cresskill Borough	Ho Ho Kus Borough	Palisades Park	Tenafly Borough
Demarest Borough	Leonia Borough	Paramus Borough	Teterboro
Dumont Borough	Little Ferry Borough	Park Ridge Borough	Upper Saddle River Borough
East Rutherford Borough	Lodi Borough	Pascack Valley Regional	Waldwick Borough
Edgewater Borough	Lyndhurst Township	Ramapo-Indian Hill Regional	Wallington Borough
Elmwood Park	Mahwah Township	Ramsey Borough	Westwood Regional
Emerson Borough	Maywood Borough	Ridgefield Borough	Wood Ridge Borough
Englewood Cliffs Borough	Midland Park Borough	Ridgefield Park Township	Woodcliff Lake Borough
Fair Lawn Borough	Montvale Borough	Ridgewood Village	Wyckoff Township
Fairview Borough	Moonachie Borough	River Dell Regional	
Fort Lee Borough	New Milford Borough	River Edge Borough	

Fire Districts (Board of Fire Commissioners):

None