

## NOTICE OF REQUIRED COMPLIANCE

### **COMPLIANCE:**

This Attachment describes the compliance requirements and includes exhibits containing several forms, instructions and samples.

When preparing your firm's proposal in response to this solicitation, keep in mind that, in the RFQ/P – RFP, the word "shall" or "must" denotes proposal items which are mandatory for a proposal to be complete; the word "should" denotes proposal items which are recommended, but not mandatory; and the word "may" denotes proposal items which are permissible, but not mandatory.

Due to the expedited nature of this proposal, the Authority strongly recommends that, **ALL COMPLIANCE FORMS BE COMPLETED, SIGNED AND RETURNED WITH THE PROPOSAL**.

**PLEASE NOTE THAT THE FORM IDENTIFIED AT PARAGRAPH G IS MANDATORY AND MUST BE INCLUDED WITH THE PROPOSAL. Failure to provide mandatory items will render proposal materially non-responsive and subject to rejection.**

#### **A. EQUAL EMPLOYMENT OPPORTUNITY:**

##### **AFFIRMATIVE ACTION EMPLOYEE INFORMATION REPORT**

The intended awardee must submit a copy of a New Jersey Certificate of Employee Information Report, or a copy of Federal Letter of Approval verifying it is operating under a federally approved or sanctioned Affirmative Action program. Intended awardee(s) not in possession of either a New Jersey Certificate of Employee Information Report or a Federal Letter of Approval must complete the Affirmative Action Employee Information Report (AA-302), by following its corresponding instructions for submission and payment by check, which are located at the Public Contracts website for Equal Employment Opportunity (EEO)/Affirmative Action (AA): [https://www.state.nj.us/treasury/contract\\_compliance/](https://www.state.nj.us/treasury/contract_compliance/) or alternatively, Vendors have an option for online submission and payment, following the electronic filing instructions at: [https://www.state.nj.us/treasury/contract\\_compliance/](https://www.state.nj.us/treasury/contract_compliance/)

#### **B. BUSINESS REGISTRATION CERTIFICATE (BRC)**

In accordance with N.J.S.A. 52:32-44(b), a Proposer and its named Subcontractors must have a valid Business Registration Certificate ("BRC") issued by the Department of Treasury, Division of Revenue and Enterprise Services, prior to the award of a contract. To facilitate the Proposal evaluation and contract award process, the Proposer should submit a copy of its valid BRC and those of any named Subcontractors with its Proposal.

A Proposer otherwise identified by the Authority as a responsive and responsible Bidder, inclusive of any named Subcontractors, but that was not business registered at the time of submission of its Proposal must be so registered prior to award of contract and in possession of a valid BRC by a deadline to be specified in writing by the Authority. A Bidder who fails to comply with this requirement by the deadline specified by the Authority will be deemed ineligible for contract award. Under any circumstance, the Authority will rely upon information available from computerized systems maintained by the State as a basis to verify independently compliance with the requirement for business registration.  
<http://www.state.nj.us/treasury/revenue/busregcert.shtml> .

A Proposer receiving a contract award as a result of this procurement and any Subcontractors named by that Proposer will be required to maintain a valid business registration with the Division of Revenue and Enterprise Services for the duration of the executed contract, inclusive of any contract extensions.

Pursuant to N.J.S.A. 54:49-4.1, a business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L. 2001, c.134 (N.J.S.A. 52:32-44 et al.) 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 information of business registration under the requirements of either those sections, shall be liable for a penalty of \$25 for each day off violation,

not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency or under a casino service industry enterprise contract.

The contractor and any subcontractor / subconsultant providing goods or performing services under this contract, and each of their affiliates, shall, during the term of the contract, collect and remit to the Director of the Division of Taxation in the Department of the Treasury the use tax due pursuant to the "Sales and Use Tax Act", P.L. 1966, c. 30 (N.J.S.A. 54:32B-1 et seq.) on all their sales of tangible personal property delivered into the State/

Any Bidder, inclusive of any named subcontractors, which does not possess a valid Business Registration at the time of the bid proposal submission opening or whose BRC was revoked prior to the submission of the proposal should proceed immediately to register its business or seek re-instatement of a revoked BRC. Bidders are cautioned that it may require a significant amount of time to secure the re-instatement of a revoked BRC. The process can require actions by both the Division of Revenue and the Division of Taxation. For this reason, a Bidder's early attention to this requirement is highly recommended. The Bidder and its named subcontractors may register with the Division of Revenue, obtain a copy of an existing BRC or obtain information necessary to seek re-instatement of a revoked BRC online at <http://www.state.nj.us/treasury/revenue/busregcert.shtml>.

A Bidder otherwise identified by the Division as a responsive and responsible Bidder, inclusive of any named subcontractors, but that was not business registered at the time of submission of its quotation must be so registered and in possession of a valid BRC by a deadline to be specified in writing by the Division. A Bidder who fails to comply with this requirement by the deadline specified by the Division will be deemed ineligible for contract award. Under any circumstance, the Division will rely upon information available from computerized systems maintained by the State as a basis to verify independently compliance with the requirement for business registration.

A Bidder receiving a contract award as a result of this procurement and any subcontractors named by that Bidder will be required to maintain a valid business registration with the Division of Revenue for the duration of the executed contract, inclusive of any contract extensions.

**C. SOURCE DISCLOSURE CERTIFICATION**

(form may be downloaded via <https://www.njeda.gov/bidding/#forms>)

It is highly recommended that Source Disclosure Certification be submitted with the Bid Proposal. Pursuant to N.J.S.A. 52:34-13.2, all of the Authority's contracts, prior to an award of Contract primarily for services, shall be performed within the United States. Pursuant to the statutory requirements, the intended Contractor of an Authority contract must disclose the location by country where services, including subcontracted services, will be performed. The Proposer must complete and submit the Source Disclosure Form accompanying this RFP. The Proposer's inclusion of the completed Source Disclosure Form with the Proposal is requested and advised. If a Proposer does not submit the form with the Proposal, the Proposer must comply within seven (7) business days of a request by the Authority or the Authority may deem the Proposal non-responsive.

If any of the services cannot be performed within the United States, the Proposer shall state with specificity the reasons why the services cannot be so performed. The Authority shall determine whether sufficient justification has been provided by the Proposer to form the basis of his or her certification that the services cannot be performed in the United States.

**D. SMALL BUSINESS SET ASIDE**

(forms may be downloaded via <https://www.njeda.gov/bidding/#forms>)

It is the Authority's goal to award twenty-five (25%) percent of the dollar value of its contract to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than one hundred (100) full-time employees, and whose gross revenues do not exceed \$12 million dollars or the applicable annual revenue standards set forth in 13 CFR 121.201, incorporated herein by reference and as may be adjusted periodically, whichever is higher, and satisfies any additional eligibility standards under this chapter.

In accordance with the requirements of N.J.A.C. 17:13 and N.J.A.C. 17:14, as amended, the Authority is required to develop a Set-Aside business plan for Small Business Enterprises (SBEs). The Authority encourages the participation of SBE firms as registered with the New Jersey Department of Treasury, Division

of Revenue and Enterprise Services – Business Services Bureau for the services subject to this RFP. Information regarding SBE registration and/or a Minority/Women Business Enterprise (MWBE), a Veteran-Owned Business (VOB) and/or a Disabled Veteran-Owned Business Enterprise (DVOB) certification can be obtained by contacting the Office of Business Services at (609) 292-2146 or at their offices at 33 West State Street, PO Box 820, Trenton, NJ 08625-0820 or on-line, via the State's Business website at:

<https://www.njportal.com/DOR/SBERegistry>

There are two (2) related forms listed in the RFP Proposer Checklist to be completed and submitted, prior to contract award. These forms include: Set Aside Information Form-Goods & Services and the Set-Aside Compliance Certificate-Goods & Services Contracts. The Proposer may submit the Proposer's Small Business Enterprise (SBE) Certificate, if applicable.

#### FOR GOODS AND SERVICES:

It is the New Jersey Economic Development Authority's goal to award:

- Ten (10%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, and whose gross revenues do not exceed \$500,000;
- Fifteen (15%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated has no more than 100 full-time employees, and whose gross revenues do not exceed \$12 million dollars or the applicable federal revenue standards established at 13 CFR 121.201 incorporated herein by reference, whichever is higher.

#### FOR CONSTRUCTION CONTRACTS:

It is the Authority's overall program goal to award:

- Five (5%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, and whose gross revenues do not exceed \$3 million; and satisfies any additional eligibility standards under N.J.A.C. 17:14 et seq.;
- Five (5%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, and whose gross revenues do not exceed 50 per cent of the applicable revenue standards set forth in 13 CFR 121.201; and satisfies any additional eligibility standards under N.J.A.C. 17:14 et seq.
- Five (5%) percent of its contracts to eligible small businesses whose principal place of business is New Jersey, is independently owned and operated, has no more than 100 full-time employees, has gross revenues that do not exceed the applicable Federal revenue standards referenced at N.J.A.C. 17:14-2.1; and satisfies any additional eligibility standards under N.J.A.C. 17:14 et seq.
- And, at least an additional ten (10%) percent shall be awarded to small businesses registered in any of the above categories.

#### Disabled Veterans' Business Set-Aside

In accordance with P.L. 2015, Chapter 116, it is the Authority's intent to make good faith efforts to attain the goal of awarding at least three (3%) percent of the dollar value of its contracts to eligible disabled veterans' businesses.

Pursuant to the Set-Aside provisions of N.J.S.A. 52:32-31 Disabled Veterans' Businesses are encouraged to submit a response. The Business must be registered as a qualifying Disabled Veterans' Business with the Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit by the date the Proposal is received and opened. Evidence that the Business has registered as a Disabled Veterans' Business should be submitted with the Proposal. Proposers should verify its Small, Minority, Veteran, Women and Disabled Veterans' Business Certification status. The Business should provide, as part of its response, proof of its current registration as a qualifying Disabled Veterans' Business with the New Jersey Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit. Information, registration requirements and application are available by contacting the agency at:

New Jersey Department of the Treasury  
Division of Revenue and Enterprise Services  
PO Box 455  
Trenton, NJ 08646  
Telephone: 609-292-2146

A downloadable paper application is available at:

<https://www.nj.gov/njbusiness/documents/contracting/DVOB%20Web%20Application.pdf>

**\*\* IF THE BUSINESS HAS PREVIOUSLY REGISTERED OR BEEN CERTIFIED AS A DISABLED VETERANS' BUSINESS, THE VENDOR {BIDDER} SHOULD ENSURE IT IS REGISTERED AND THAT ITS REGISTRATION IS ACTIVE WITH THE DIVISION OF REVENUE AND ENTERPRISE SERVICES, SMALL BUSINESS REGISTRATION AND M/WBE CERTIFICATION SERVICES UNIT, PRIOR TO THE PROPOSAL OPENING DATE, TO BE ELIGIBLE FOR AWARD.**

The Proposer and its named Subconsultants should complete the attached "Set-Aside Information Form", as well as the "Set-Aside Compliance Certificate" and submit both with the bid / proposal. Failure to complete and submit both the "Set-Aside Information Form" and the "Set-Aside Compliance Certificate" documents, may result in a delay in evaluating the proposal.

**E. SET ASIDE CONTRACT REPORT FORM**

(form may be downloaded via <https://www.njeda.gov/bidding/#forms>)

The successful Proposer must include a "Set Aside Contract Report Form" with each invoice it submits, on a monthly basis to the Authority. Invoices will not be processed unless accompanied by the "Set Aside Contract Report Form".

**F. INTENTIONALLY OMITTED-PUBLIC LAW 2005, CHAPTER 51, N.J.S.A. 19:44A-20.13 - N.J.S.A. 19:44A-20.25 IS NOT REQUIRED FOR THIS PROCUREMENT.**

**G. DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

(form may be downloaded via <https://www.njeda.gov/bidding/#forms>)

Pursuant to N.J.S.A. 52:32-58, the Proposer must utilize this Disclosure of Investment Activities in Iran form to certify that neither the Proposer, nor one of its parents, subsidiaries, and/or affiliates (as defined in N.J.S.A. 52:32-56(e)(3)), is listed on the Department of the Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither the Proposer, nor one of its parents, subsidiaries, and/or affiliates, is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f). If the Proposer is unable to so certify, the Proposer shall provide a detailed and precise description of such activities as directed on the form. A Proposer's failure to submit the completed and signed form before contract award will be deemed non-responsive and preclude the award of a contract to said Proposer.

NOTE: If the Proposer is a partnership or a limited liability corporation partnership, each Disclosure of Investment Activities in Iran form must be signed by a general partner. Failure to comply may preclude the award of a contract.

**H. OWNERSHIP DISCLOSURE FORM – MANDATORY with the proposal**

(form may be downloaded via <https://www.njeda.gov/bidding/#forms>)

Pursuant to N.J.S.A. 52:25-24.2, in the event the bidder is a corporation, LLC, partnership or sole proprietorship, the bidder must complete the attached Ownership Disclosure Form. A current completed Ownership Disclosure Form must be received prior to or accompany the proposal. Failure to submit the form will preclude the award of a contract.

**I. DISCLOSURE OF INVESTIGATIONS AND OTHER ACTIONS INVOLVING BIDDER FORM:**

(form may be downloaded via <https://www.njeda.gov/bidding/#forms>)

The Proposer should submit the Disclosure of Investigations and Other Actions Involving Bidder Form, with its Proposal, to provide a detailed description of any investigation, litigation, including administrative complaints or other administrative proceedings, involving any public sector clients during the past five (5) years, including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and, if applicable, disposition. If a Bidder does not submit the form with the Proposal, the Bidder must comply within seven (7) business days of a request by the Authority or the Authority may deem the Proposal nonresponsive.

**J. DIANE B. ALLEN EQUAL PAY ACT-**

Pursuant to N.J.S.A. 34:11-56.14, bidders and contractors are advised that pursuant to the Diane B. Allen Equal Pay Act, L. 2018, c. 9, any State Contractor providing services within the meaning of that Act is required to file the report required therein, with the New Jersey Department of Labor and Workforce Development. Information about the Act and the reporting requirement is available at: <https://nj.gov/labor/equalpay/equalpay.html>. Construction projects that are subject to the Prevailing Wage Act are affected by this statute (falling within the definition of “public work”). Additionally, any contract that the Authority enters into for services imposes reporting requirements by awarded bidders and contractors (falling within the definition of “qualifying services”). Information on the reporting requirement for such “qualifying services” is also available at: <https://nj.gov/labor/equalpay/equalpay.html>. **Goods/Products contracts are not impacted by the statute.**

**K. CERTIFICATION OF NON-INVOLVEMENT IN PROHIBITED ACTIVITIES IN RUSSIA AND BELARUS FORM**

(form may be downloaded via <https://www.njeda.gov/bidding/#forms>)

Pursuant to P.L. 2022, C. 3, the Proposer must utilize the Certification Non-Involvement in Prohibited Activities in Russia and Belarus Pursuant to P.L.2002, c.3 form to certify that neither the Proposer, nor one of its parents, subsidiaries, and/or affiliates (as defined in P.L. 2022, c. 3), is listed on the Department of the Treasury’s List of Persons or Entities Engaging in Prohibited Investment Activities in Russian and Belarus and that neither the Proposer, nor one of its parents, subsidiaries, and/or affiliates, is involved in any of the investment activities set forth in P.L. 2022, c. 3. If the Proposer is unable to so certify, the Proposer shall provide a detailed and precise description of such activities as directed on the form. A Proposer’s failure to submit the completed and signed form before contract award will be deemed non-responsive and preclude the award of a contract to said Proposer.

NOTE: If the Proposer is a partnership or a limited liability corporation partnership, each Certification of Activities in Russia and Belarus form must be signed by a general partner. Failure to comply may preclude the award of a contract.

**L. SUBCONTRACTOR UTILIZATION PLAN**

(form may be downloaded via <https://www.njeda.gov/bidding/#forms>)

All Proposers intending to use a Subcontractor(s) must submit a completed Subcontractor Utilization Form available at: <https://www.njeda.gov/bidding/#forms>.

If the Contract is a small business subcontracting set-aside, the Proposer certifies that in engaging Subcontractors and/or Subconsultants, it shall make a good faith effort to achieve the subcontracting set-aside goals, and shall attach to the Subcontractor Utilization Plan documentation of such efforts.

For a Proposal that does NOT include the use of Subcontractors and/or Subconsultants, by signing the Signatory Page, the Contractor is automatically certifying that in the event the award is granted to the Contractor’s firm and the Contractor later determines at any time during the term of the Contract to engage Subcontractors and/or Subconsultants to provide certain goods and/or services, the Contractor shall submit a Subcontractor Utilization Form for approval by the Authority in advance of any such engagement of Subcontractors and/or Subconsultants.

The successful entity agrees that it shall comply with all requirements of these provisions. If the successful entity fails to comply with the requirements of these provisions, the Authority may declare any contract for these services void.

**NOTE: Proposers are cautioned that those compliance documents identified as “MANDATORY with the proposal”, as required by law, MUST be fully completed, signed and submitted WITH the bid proposal.**

**DO NOT LEAVE A COMPLIANCE DOCUMENT BLANK / INCOMPLETE. If you believe a particular compliance document is not applicable to your firm, you are encouraged to submit a question during the “Questions& Answers” period, specified in this RFQ/P. If the document does not apply to your company (i.e. the “Set-Aside Information” form); you should complete all information (i.e. number &RFQ/P title, etc.),mark those areas that are not applicable, with the abbreviation “N/A”, sign and return the document with your bid proposal submission. Failure to do so may result in rejection of the proposal.**