

## PREQUALIFICATION APPLICATION

### APPLICATION INSTRUCTIONS

The following Prequalification Application (APPLICATION) including the Transmittal Letter must be used in applying for any concession opportunity. These documents must be completed in accordance with the instructions included within them and within this APPLICATION. The format provides for latitude in presentation. A complete APPLICATION will include comments and information added to the basic format. Please number added pages to correspond to their proper location in the document. For example, to add three pages at page 6, the pages could be numbered 6/1 of 3, 6/2 of 3, 6/3 of 3. If the original page, 6 in this example, is marked "added" reviewers will be able to be sure they have all of the submitted information.

This package contains eight forms or formats:

1. Applicant's Format Letter
2. Certificate of Corporate Offeror
3. Part I, Identifying Information
4. Part II, Experience and Related Background of Offeror
5. Part III, Plans for Operation
6. Part IV, Insurance
7. Part V, Financial Operations and Financing

These forms and formats should be completed with the information provided in the first section of this APPLICATION, BUSINESS OPPORTUNITY, in mind.

In the preparation of all proposal materials applicants should keep in mind the nature of the operations to be conducted when framing the requested answers. Applicants should feel free to add to the APPLICATION while staying within its organizational framework.

**EACH OF THE FIVE PARTS OF THE APPLICATION INCLUDES, IN BOLD PRINT, THE CRITERIA TO BE USED BY THE SERVICE TO EVALUATE OFFERS. APPLICATIONS WILL FIRST BE SCREENED FOR COMPLETENESS. IF AN APPLICANT FAILS TO LEGIBLY COMPLETE ANY PART OF THE APPLICATION, THE PROPOSALS MAY BE CONSIDERED TO BE NON-RESPONSIVE. TO ESTABLISH THE BEST OFFER, RESPONSIVE APPLICATIONS WILL BE EVALUATED AGAINST THE SERVICE'S REQUIREMENTS AND EACH OTHER.**

The State Park Service reserves the right to disregard any proposal submitted or to make any counter proposals which it may consider reasonable or desirable.

## FREEDOM OF INFORMATION ACT

\*\*\*\*STATE PARK SERVICE\*\*\*\*

Name of Applicant \_\_\_\_\_

All proposals submitted in response to this APPLICATION may be disclosed by the Department of Environmental Protection to any person, upon request pursuant to the Freedom of Information Act, the offeror believes that the proposal contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act, (5 U.S.C. 552), the cover page of each copy of the proposal shall be marked with the following legend:

"The information specifically identified on pages of this proposal constitutes trade secrets or confidential commercial and financial information which the offeror believes to be exempt from disclosure under the Freedom of Information Act. The Applicant requests that this information not be disclosed to the public, except as may be required by law. The Applicant also requests that this information not be used in whole or part by the State except that if a contract is awarded to the Applicant a result of or in connection with the submission of the proposal, the State shall have the right to use the information to the extent provided in the contract."

The Applicant shall also specifically identify trade secret information and confidential commercial and financial information on the page of the proposal on which it appears and shall mark each page with the following legend:

"This page contains trade secrets or confidential commercial and financial information which the Applicant believes to be exempt from disclosure under the Freedom of Information Act and which is subject to the legend contained on the cover page of this proposal."

Information in a proposal identified by an Applicant as trade secret information or confidential commercial and financial information shall be used by the State only for the purpose of evaluating the proposal, except that (i) if a contract is awarded to the Applicant as a result of or in connection with submission of the proposal, the State shall have the right to use the information as provided in the Agreement, and (ii) if the same information is obtained from another source without restriction it may be used without restriction.

Name of Applicant \_\_\_\_\_

**APPLICANT'S FORMAT LETTER FOR SUBMITTING PROPOSAL  
(Please Print or Type)**

**TO: NJDEP, State Park Service  
Office of Concessions  
Jeremy Schaffer, Administrator  
501 E. State Street, 4th Floor  
PO Box 404  
Trenton, New Jersey 08625-0404**

Dear Mr. Schaffer:

(I)(We) hereby offer to provide concession and/or services at \_\_\_\_\_ in accordance with the terms and conditions specified in your specifications and as explained in detail in the enclosed and required "APPLICATION" which, by this reference, is made a part hereof. Any exceptions to the terms and conditions specified in your specifications are noted and discussed in the "APPLICATION" where appropriate.

(I)(We) certify that the information furnished herewith is true to the best of (my)(our) knowledge and belief. In addition, (I)(we) agree to complete the negotiation and execution of a Concession Agreement within a reasonable time after it is presented by the State Park Service.

**BY:** \_\_\_\_\_  
Signature Printed Name

**TITLE:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CERTIFICATE OF CORPORATE OFFER**

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ of the corporation named as offerer herein; that \_\_\_\_\_, who signed this proposal on behalf of the Applicant, was then \_\_\_\_\_ of said corporation; that said proposal was duly signed for and in behalf of the corporation by authority of its governing body within the scope of its corporate powers.

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

**Date:** \_\_\_\_\_

Name of Applicant \_\_\_\_\_

**PART I  
IDENTIFYING INFORMATION**

**Criteria:**

- 1. Make clear what the formal structure of the primary business entity the State Park Service will deal with will be and who will own it. Provide materials to explain the financial circumstances, legal form, and ownership of that entity.**
  
- 2. Where there are layers of entities, subordinate or superior entities, significant contractors/subcontractors, or other organizations or individuals that will act in concert to provide the services required, describe each of them and the relationships between them.**

Using the format and instructions on the next two pages (duplicate the form as needed to identify each of the entities or people involved) and adding information as necessary:

Identify the "APPLICANT" making this APPLICATION.

Identify the "PROPOSED ENTITY(S)", if any, which the Applicant intends to establish for the purpose of operating this concession.

Identify related, subordinate, and superior entities and any other organization or entity, contractor, or subcontractor that will have a role in managing, directing, operating, or otherwise carrying out the service to be provided.

Do any of the above have operations or interest in other operations in areas adjacent to this park area?

Yes          No     

If Yes, Please Identify: \_\_\_\_\_

\_\_\_\_\_

Name of Applicant \_\_\_\_\_

A. Name of Entity/Person: \_\_\_\_\_

B. Present Address: \_\_\_\_\_

C. Present Telephone: \_\_\_\_\_

D. Form of Business:

Corporation       Partnership       Individual       Other

E. Describe the expected role of this entity/person in providing this concession operation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Structure of Entity

**Names and Addresses of Owners  
(Corp: Show Controlling Interest  
Close Corp: Show All)**

**Number & Type of  
Shares or Percentage  
of Ownership**

**Total  
Capital  
Investment(\$)**

| <b>Names and Addresses of Owners<br/>(Corp: Show Controlling Interest<br/>Close Corp: Show All)</b> | <b>Number &amp; Type of<br/>Shares or Percentage<br/>of Ownership</b> | <b>Total<br/>Capital<br/>Investment(\$)</b> |
|---|---|---|
| _____   | _____   | _____                                       |
| _____   | _____   | _____                                       |
| _____   | _____   | _____                                       |
| _____   | _____   | _____                                       |

G. If "entity" is a corporation, list the names, addresses, and titles of corporate officers:

Name

Address

Title

| Name  | Address | Title |
|-------|---------|-------|
| _____ | _____   | _____ |
| _____ | _____   | _____ |
| _____ | _____   | _____ |

State of Incorporation: \_\_\_\_\_

Name of Applicant \_\_\_\_\_

H. The following attachments must be provided as applicable for each entity/person that is a subject of a copy of the preceding form:

1. For a Corporate APPLICANT and proposed corporations: Articles of Incorporation and By-Laws.
2. For APPLICANTS who are Partnerships or for proposed partnerships: Partnership Agreements.
3. For contracts or subcontracts in effect or proposed: Copies of those agreements or contracts.

Name of Applicant \_\_\_\_\_

**PART II  
EXPERIENCE AND RELATED BACKGROUND OF APPLICANT**

**Criteria:**

- 1. The competence of the Applicant, as reflected in the APPLICATION, to manage a business activity effectively.**

For all current and proposed partners, sole proprietors, key employees including proposed on-site managers, and for owners of corporations and operating officers who will be actively involved in the management of this Concession use copies of the format on the next page and added sheets to identify the specific role the individual is to play and establish their ability to play that role.

When discussing work experience be specific with respect to size of operation, dates, area of operation, specific duties, number of people supervised, hours worked per week, and other factors that would be helpful to reviewers in establishing a clear understanding. **Do not** omit training and education and **do not** omit special qualifications, ratings, or licenses that are needed in some special occupations.

List references, with addresses, telephone numbers and relationship. Minimum of three (3) business and two (2) personal.

|   |               |
|---|---------------|
| <b><i>BUSINESS<br/>Reference #1</i></b> | Name:         |
|   | Address:      |
|   | Phone #:      |
|   | Relationship: |
| <b><i>BUSINESS<br/>Reference #2</i></b> | Name:         |
|   | Address:      |
|   | Phone #:      |
|   | Relationship: |
| <b><i>BUSINESS<br/>Reference #3</i></b> | Name:         |
|   | Address:      |
|   | Phone #:      |
|   | Relationship: |
| <b><i>PERSONAL<br/>Reference #4</i></b> | Name:         |
|   | Address:      |
|   | Phone #:      |
|   | Relationship: |
| <b><i>PERSONAL<br/>Reference #5</i></b> | Name:         |
|   | Address:      |
|   | Phone #:      |
|   | Relationship: |

Name of Applicant \_\_\_\_\_

**INDIVIDUAL EXPERIENCE AND RELATED BACKGROUND**

INDIVIDUAL'S NAME

|  |  |
|--|--|
| Name and Address of:                         | Telephone Number (+ Area Code)                         |
|  | Nature of Business                                     |
|  | Exact Title of Position<br>(Indicate If Self-Employed) |
| Dates of Employment<br>From: _____ To: _____ | Number of People Employed or Supervised                |
| Education, Degrees, and Special Skills:      |  |
| Description of Duties and Responsibilities:  |  |
| Role in Proposed Business:                   |  |
| Estimated Hours per Week:                    |  |
| Qualifications for that Role:                |  |

Name of Applicant \_\_\_\_\_

**PART III  
PLANS FOR OPERATION**

**Criteria:**

- 1. The Applicant agrees to provide the facilities and/or service(s) substantially as requested and to operate on the schedule requested.**
- 2. The business structure (if applicable) proposed is sufficiently staffed and is appropriately structured to deliver the service(s) required in a well-supervised way.**
- 3. Any proposed improvements reflect an understanding of the State Park Service's requirements and are to be designed and built by competent people.**
- 4. The maintenance activities proposed are systematic and reflect a goal of sustained high quality facilities.**
- 5. Employee training is well planned. The proposed program will provide fully trained employees to start-up seasonal operations.**
- 6. Safety, security and sanitation issues are identified and planned for thoughtfully.**
- 7. The offer reflects an understanding of the State Park Service mission and a concessionaire's place in carrying out that mission.**

**A. OPERATING SPECIFICATIONS**

1. Please describe the services you propose to operate. Please describe any additions, deletions, or changes you propose to make concerning the specifications provided by the State Park Service in the APPLICATION.

Proposals which are not aligned with park needs as expressed in park planning documents and this APPLICATION will require a State Park Service judgement that they are necessary to achieve the objectives of the park and appropriate to the park area involved. Such proposals may also require formal modification of park planning documents including public meetings prior to implementation.

Except where this APPLICATION asks for, allows for innovation, or seeks suggestions for improvements, proposed alteration of the facilities called for in this APPLICATION will not be considered.

Name of Applicant \_\_\_\_\_

2. **FOOD/NOVELTY:** Please see Concession Specifications (as a part of the bid package).
  - a. Describe the Concession you propose to operate.
  - b. Provide attach a draft of the menu you propose to serve.
  - c. Describe any evening operations or special function operations you propose.
  - d. Provide a list of the types of gifts and souvenirs you propose to sell. Sketches and representative pictures would be helpful.
  - e. Provide a schedule of operation if different from the following proposed schedule.

Proposed Schedule: In summer, an eight-hour day from roughly 10 am to 6 pm would be typical. In winter (if applicable), a \_\_\_\_\_hour day from roughly \_\_\_\_\_ am to \_\_\_\_\_ pm would be typical. Operations will be seven days a week (in season).

3. **BOAT-LIVERY:** Please see Concession Specifications (as a part of the bid package).
  - a. Describe the Concession you propose to operate.
  - b. Describe the type of vessels you will be renting.
  - c. Provide a schedule of operation if different from the following proposed schedule.

Proposed Schedule: In summer, an eight-hour day from roughly 10 am to 6 pm would be typical. In winter (if applicable), a \_\_\_\_\_hour day from roughly \_\_\_\_\_ am to \_\_\_\_\_ pm would be typical. Operations will be seven days a week (in season).

Name of Applicant \_\_\_\_\_

4. **MOBILE: FOOD, BOAT-LIVERY, OR BICYCLE CONCESSION:** Please see Concession Specifications (as a part of the bid package).
  - a. Describe the kind of Concession you propose to operate.
  - b. Provide a draft of the menu and/or pricing.
  - c. Provide a schedule of operation if different from the following proposed schedule.

Proposed Schedule: In summer, an eight-hour day from roughly 10 am to 6 pm would be typical. In winter (if applicable), a \_\_\_\_\_ hour day from roughly \_\_\_\_\_ am to \_\_\_\_\_ pm would be typical. Operations will be seven days a week (in season).

5. **OTHER:** \_\_\_\_\_ Please see Concession Specifications (as a part of the bid package).
  - a.
  - b.
  - c.

**B. EQUIPMENT PROGRAM (if applicable)**

1. In what manner have you inspected the concession equipment?
2. What was the condition of said equipment?
3. List additional equipment, which would be utilized at this concession?

Name of Applicant \_\_\_\_\_

C. FACILITY/AREA INSPECTION

1. In what manner was the facility or area inspected?
  
2. What condition was the facility or area found to be in?
  
3. What recommendation would you suggest for the improvement of the facility or area?
  
4. If necessary, what action would you take in any facility or area improvement?

D. ORGANIZATION STRUCTURE - For the Proposed Concession

Provide an organizational chart showing the principal lines of authority between departments or functional areas and managers. Indicate the number of employees in each department or functional area and provide summary descriptions of the basic functions where those are not obvious by title. Make absolutely clear who the management decision-makers will be. Where key employees are known, make sure that they were identified using the form in Part II of this APPLICATION. Provide proposed wage levels and estimated hours per week for each position or group of positions.

E. TRAINING

1. Outline the training program that you propose for the staff including the training program that will prepare the staff for opening business.
  
2. Will you participate in cross training and orientation between your company and the State Park Service (if applicable)?

Yes  No

Name of Applicant \_\_\_\_\_

F. SAFETY, SECURITY AND SANITATION

Describe the safety, security and sanitation issues typical of this type of Concession.  
Describe any plans for managing these issues.

G. MAINTENANCE DETAILS

Describe your plans to provide proper maintenance of all equipment, furnishings, fixtures, buildings, and grounds.

Name of Applicant \_\_\_\_\_

**PART IV  
INSURANCE**

**Criteria:**

1. **Property insurance is proposed to a degree sufficient to assure the continuous operation of the REQUIRED SERVICES included in the proposed AGREEMENT or persuasive financial justifications for not doing so are provided.**
  2. **Liability insurance is proposed that will provide reasonable coverage to visitors using the services and to employees.**
- A. The proposed Agreement requires the concessionaire to insure for public liability, broad form comprehensive general liability, premises/operations, product/completed operations, protection and indemnity, owned, operated, or non-owned motor vehicles, bodily injury and property damage, worker's compensation, property damage for loss of personal property and equipment and any other insurance required by agreement and/or operational needs.

Careful consideration should be given by applicants to insurance coverage. Claims that certain types or amounts of coverages are not available or are prohibitively expensive must be fully justified by providing rate quotations from at least three insurance brokers or other sources, together with a financial projection, which demonstrates impact on the concessionaire.

Minimum coverage limits, as required, are proposed on the next page.

- B. What amounts of insurance coverage will you provide for? Please justify/explain the insurance coverage proposed. Show its estimated cost.

| <b><u>Type of Insurance</u></b><br><b><u>Suggested and</u></b><br><b><u>Minimum Coverage</u></b><br><b><u>Limits, if any</u></b> | <b><u>State</u></b><br><b><u>Minimums</u></b> | <b><u>Lessee</u></b><br><b><u>Proposed</u></b><br><b><u>Coverage Amt's</u></b> | <b><u>Total</u></b><br><b><u>Estimated</u></b><br><b><u>Cost</u></b> |
|--|---|--|--|
| <b>Property Damage:</b>  |   |  |  |
| Commercial Property Policy   | <b>\$1,000,000</b>                            | \$ _____   | \$ _____   |
| Other Property Damage (List)   |   |  |  |
| _____  |   | \$ _____   |  |



Name of Applicant \_\_\_\_\_

**PART V  
FINANCIAL OPERATIONS AND FINANCING**

**Criteria:**

1. **The APPLICANT has a well-founded estimation of the level of sales and expenses the business will generate, can finance the business, and has made soundly based estimates showing sufficient cash flow and reasonable returns on the investments.**
2. **A proposed rental fee for the use of State provided facilities is included. The applicant agrees to pay no less than the stipulated rental fee as shown in the proposed AGREEMENT.**

A. Provide a budget, estimating the capital needed to establish the business in operation. Include the estimating basis for each amount. Provide the following summary figures here:

|  |                 |
|--|-----------------|
| Equipment required                     | \$ _____        |
| Inventory, acquisition cost            | \$ _____        |
| Working Capital (Other than inventory) | \$ _____        |
| Other (Specify) _____                  | \$ _____        |
| <b>TOTAL</b>                           | <b>\$ _____</b> |

B. Identify the source of any financing needed. Document the availability of financing with financial statements, financing agreements and letters of intent from lenders. Describe the financial terms of each proposed financing transaction.

Funds to be raised from owners must be stated in the section above.

Funds from an operating business (i.e., parent company) must be supported by a recent balance sheet and income statement and whatever supporting documents are needed to demonstrate that funds are available and can be committed.

Funds raised by the sale of assets must be supported by a description and condition of the assets. Also, the condition of the market for such items should be indicated.

# Instructions

## Instructions for Completing “Contractor Certification and Disclosure of Political Contributions” Forms

### Who Should Sign and Submit Certification and Disclosure Forms

Public Law 2005, Chapter 51 requires submission of a Certification and Disclosure form from each Bidder with which the State intends to contract, as well as other related individuals or entities, depending upon the Bidder’s organizational structure. The following provides a summary of the most common requirements:

#### **Where the Bidder is a corporation or other business organization:**

Submit separate Certification and Disclosure forms for each of the following:

- The Bidder, certified by an officer or other authorized representative; AND
- All “Principals” of the Bidder’s Business Entity; namely, any individual or entity owning or controlling more than 10% of the Bidder’s Business Entity; AND
- Any subsidiary controlled by the Bidder’s Business Entity; AND
- Any Political Organization (as defined above, under “Business Entity”) controlled by the Bidder’s Business Entity.

#### **Ownership Disclosure Forms**

In order to determine whether all required “Principals” of the Bidder have submitted the necessary forms, the Bidder must submit a copy of an Ownership Disclosure form. This disclosure is required by statute – see N.J.S.A. 52:25-24.2. Generally, the contracting agency will provide the appropriate form to use for this purpose. Otherwise, please use the Ownership Disclosure form available at the Division of Purchase and Property’s website, at: <http://www.state.nj.us/treasury/purchase/forms/pbodf.pdf>.

**ONE FORM** may be used to submit compliance documentation on behalf of the Bidder *and* as a Principal (more than 10% owner) of the Bidder, as long as appropriate representatives have signed *both* in the space provided for signature on behalf of the company, as an officer or other authorized representative, *and* in the space provided for individual signature.

#### **Where the Bidder is an individual (including a sole proprietor), not a corporation or other business organization:**

Unless separate Certification and Disclosure forms are submitted, one Certification and Disclosure will be deemed to encompass all of the following persons or organizations:

- The Bidder; AND
- Any spouse or children of legal age, residing in the same household; AND
- Any Political Organization (as defined above) controlled by the Bidder’s Business Entity.

# Instructions

## Contractor Certification and Disclosure of Political Contributions

### Examples

**Scenario One:** *Two individuals each own 50% of the Bidder: Three signatures are required – one on behalf of the Bidder and one by each individual owner of more than 10% of the Bidder. NOTE: If one of the Principals (owners) signs on behalf of the Bidder, that Principal may also sign the same form, in his or her individual capacity. However, the other Principal must sign and submit a separate Certification and Disclosure form. Accordingly, either two or three separate Certification and Disclosure forms will be submitted.*

**Scenario Two:** *An individual owns 100% of a Bidder: Two signatures are required: the individual owner can submit one Certification and Disclosure form, provided he or she has signed in the space provided for signature on behalf of the Bidder (“ARROW #2”> “Certification on behalf of a company or organization”) and in the space provided for individual signature (“ARROW #3”> “Certification by an individual...”).*

**Scenario Three:** *Four individuals and one corporation each own 20% of the Bidder: six signatures are required – one by each individual and corporate owner of more than 10% of the Bidder, and one on behalf of the Bidder. NOTE: As in Scenario One, above, if one of the Principals (owners) signs on behalf of the Bidder, that Principal may also sign the same form, in his or her individual capacity.*

**Scenario Three:** *The Bidder is an individual, conducting business in his or her own name, or as a sole proprietorship: certification and disclosure by the Bidder applies to that person’s spouse and/or legal age child living in the same household, unless separate certification and disclosure forms are submitted.*

Additional scenarios are the subject of some of the Questions and Answers posted on the Division of Purchase and Property’s website. Please refer to that site, at <http://www.state.nj.us/treasury/purchase/execorder134.htm> for additional information, or to submit questions regarding the completion of Political Contribution Compliance (EO 134) forms.

### Continuing Disclosure Obligation

Pursuant to Public Law 2005, Chapter 51, all business entities which have been awarded a State contract on or after October 15, 2004, in an amount in excess of \$17,500, have a continuing obligation to disclose all Contributions made during the term of such contract.

Such disclosures are to be submitted by the business entity to the Agency or Agencies which awarded the applicable contract(s). The disclosures are to be made using the standard Certification and Disclosure form, which may be downloaded from the Division of Purchase and Property’s website.

# Instructions

## Contractor Certification and Disclosure of Political Contributions

### Agency Submission of Forms

The agency should submit the completed and signed Contractor Political Contribution Compliance (EO 134) and Ownership Disclosure forms, with an Executive Summary of Transaction form (available online at: [http://www.state.nj.us/treasury/purchase/forms/eo134/dpp\\_134\\_esp.pdf](http://www.state.nj.us/treasury/purchase/forms/eo134/dpp_134_esp.pdf)), **completed by the agency**, to:

EO 134 Review Unit  
P.O. Box 039  
33 West State Street, 4<sup>th</sup> Floor  
Trenton, New Jersey 08625

The agency should keep the original forms in its file, and submit copies to the EO 134 Review Unit.

### Questions & Answers

Questions regarding the interpretation or application of **Public Law 2005, Chapter 51** (N.J.S.A. 19:44A-20.13-20.25, superseding Executive Order 134) (2004)) may be submitted electronically through the website of the Department of the Treasury, Division of Purchase and Property, <http://www.state.nj.us/treasury/purchase/execorder134.htm>. Responses to questions are posted at the website, as are additional reference materials and forms.

### Definitions:

**“Chapter 51”** -- means Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13-20.25, superseding Executive Order 134 (2004)).

**“Business Entity”** – means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. It also includes (i) all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under 26 U.S.C.A. § 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person’s spouse or child, residing in the same household.

**“Contribution”** – means a contribution reportable by the recipient under the “New Jersey Campaign Contributions and Expenditures Reporting Act,” P.L. 1973, c.83 (C.19:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-10.1 et seq. Contributions made prior to January 1, 2005 in an amount in excess of \$400 during a reporting period are deemed “reportable” under these laws. As of January 1, 2005, contributions in excess of \$300 are deemed “reportable.”

References to **“Bidder”** include, but are not limited to, all entities which contemplate entering into a contractual relationship with the State, including vendors, potential vendors, contractors, consultants, sellers.

The Bidder (Vendor) should complete the required Certification and Disclosure forms and submit them, together with a completed Ownership Disclosure form, **to the using agency, department or the Purchase Bureau**. Instructions for completing this form are at <http://www.state.nj.us/treasury/purchase/forms.htm#eo134>.

### Part I: Certification

I hereby certify as follows:

1. On or after October 15, 2004, the below-named person or entity has not solicited or made any Contribution of money, pledge of Contribution, including in-kind Contributions, company or organization Contributions, as set forth below that would bar the award of a contract to the Bidder, pursuant to the terms of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13-20.25, superseding Executive Order 134 (2004)).
  - a) **Within the 18 months immediately preceding the Solicitation (exclusive of any contributions made prior to October 15, 2004), the below-named person or organization has not made a Contribution to**
    - (i) Any candidate committee and/or election fund of any candidate for or holder of the public office of Governor; or
    - (ii) Any State or county political party committee.
  - b) **During the term of office of the current Governor (exclusive of any Contributions made prior to October 15, 2004), the below-named person or organization has not made a Contribution to**
    - (i) Any candidate committee and/or election fund of the governor; or
    - (ii) Any State or county political party committee nominating such Governor in the election preceding the commencement of said Governor's term.
  - c) **Within the 18 months immediately prior to the first day of the term of office of the Governor (exclusive of any Contributions made prior to October 15, 2004), the below-named person or organization has not made a Contribution to**
    - (i) Any candidate committee and/or election fund of the Governor; or
    - (ii) Any State or County political party committee of the political party nominating the successful gubernatorial candidate in the last gubernatorial election.
2. If the Bidder is awarded a contract pursuant to the solicitation for this bid proposal, the below-named person or organization will, on a continuing basis, continue to report any Contributions it makes during the term of the contract, and any extension(s) thereof.

Public Law 2005, Chapter 51

Formerly:



Bidder: \_\_\_\_\_

**Part II: Disclosure**

Following is the required disclosure of all Contributions made from October 15, 2004, through the date of signing of this Certification and Disclosure to: (i) any entity designated and organized as a "political organization" under 26 U.S.C.A. § 527 that is also defined as "continuing political committee" under N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1 or (ii) any candidate committee and/or election fund of any candidate for or current holder of the public office of Governor; and any State or county political party committee. Such an entity is identified in the following chart as a "Committee."

| Name and Address of Committee   | Date of Contribution | Amount of Contribution | Type of Contribution<br>i.e., Currency,<br>Check, Loan, In<br>Kind | Donor |
|---|----------------------|------------------------|--|-------|
| <b>Indicate "none" if no Contributions were made. Attach additional pages if necessary.</b> |                      |                        |  |       |
|   |                      |                        |  |       |
|   |                      |                        |  |       |
|   |                      |                        |  |       |

#1

**Certification on behalf of a COMPANY or organization:**

I certify as an officer or authorized representative of the Company or Organization identified below that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Name of Company or Organization: \_\_\_\_\_

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

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

(check one) (A)  The **Company** or Organization is the Bidder, or (B)  The **Company** or Organization is a Principal (more than 10% ownership or control) of the Bidder, a Subsidiary controlled by the Bidder, or a Political Organization (eg, PAC) controlled by the Bidder.

#2

**Certification by an individual** – for use by the individual Bidder, or as a Principal (more than 10% ownership or control) of the Bidder, or as the spouse or child of the Bidder:

I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Note: A person may certify BOTH as an officer or authorized representative of the Bidder, AND in his or her individual capacity, as a Principal of the Bidder.**

#3

Contract Reference: \_\_\_\_\_ Vendor: \_\_\_\_\_

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At least ten (10) days prior to entering into the above-referenced contract, the Vendor must complete this Certification and Disclosure Form, in accordance with the directions below and submit it to the State contact for such contract.

**Please note that the disclosure requirements under Public Law 2005, Chapter 271 are separate and different from the disclosure requirements under Public Law 2005, Chapter 51 (formerly Executive Order 134). Although no vendor will be precluded from entering into a contract by any information submitted on this form, a vendor's failure to fully, accurately and truthfully complete this form and submit it to the appropriate State agency may result in the imposition of fines by the New Jersey Election Law Enforcement Commission.**

### **Disclosure**

Following is the required Vendor disclosure of all Reportable Contributions made in the twelve (12) months prior to and including the date of signing of this Certification and Disclosure to: (i) any State, county, or municipal committee of a political party, legislative leadership committee, candidate committee of a candidate for, or holder of, a State elective office, or (ii) any entity that is also defined as a "continuing political committee" under N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.

The Vendor is required to disclose Reportable Contributions by: the Vendor itself; all persons or other business entities owning or controlling more than 10% of the profits of the Vendor or more than 10% of the stock of the Vendor, if the Vendor is a corporation for profit; a spouse or child living with a natural person that is a Vendor; all of the principals, partners, officers or directors of the Vendor and all of their spouses; any subsidiaries directly or indirectly controlled by the Vendor; and any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the Vendor, other than a candidate committee, election fund, or political party committee.

"Reportable Contributions" are those contributions that are required to be reported by the recipient under the "New Jersey Campaign Contributions and Expenditures Reporting Act," P.L. 1973, c.83 (C.19:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-10.1 et seq. As of January 1, 2005, contributions in excess of \$300 during a reporting period are deemed "reportable."

PUBLIC LAW 2005  
CHAPTER 271

Vendor: \_\_\_\_\_

| Name and Address of Committee to Which Contribution Was Made   | Date of Contribution | Amount of Contribution | Contributor's Name |
|--|----------------------|------------------------|--------------------|
| Indicate " <u>none</u> " if no Reportable Contributions were made. Attach Additional Pages As Needed |                      |                        |                    |
|  |                      |                        |                    |
|  |                      |                        |                    |
|  |                      |                        |                    |

#1

**Certification:**

I certify as an officer or authorized representative of the Vendor that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

#2

Name of Vendor: \_\_\_\_\_

Signed: \_\_\_\_\_

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

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

Date: \_\_\_\_\_

Name of Applicant \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

\_\_\_\_\_ being duly sworn, deposes and  
says that the answers to the foregoing interrogatories are true.

Sworn to me before this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

By: \_\_\_\_\_

(Applicant must also sign here)

By: \_\_\_\_\_

Notary Public