

NOTE: The City of New Brunswick Parking Authority will consider proposals 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.

REQUEST FOR QUALIFICATIONS

FOR THE PROVISION OF LEGAL SERVICES – Labor Attorney. The Attorney should be licensed to practice law in the State of New Jersey and a member of the Bar of the State of NJ in good standing, specializing in public sector labor relations. The applicant shall have at least three (3) years of experience as a labor attorney representing public entities in the management side legal and labor relations issues including but not limited to, negotiation of collective bargaining agreements and individual contracts, interest arbitration, grievance arbitration, preparation and filing of disciplinary charges, trial of contested disciplinary matters, Employer-Employee Relations Act, ADA and FMLA, PERC Policies and Procedures, and rendering of advice to department heads and personnel/human resource officials concerning employment related matters. Labor attorney should be available for consultation on a daily basis.

ISSUE DATE: December 4, 2018

DUE DATE: January 11, 2019 at 1:00 p.m.

Issued by:

City of New Brunswick Parking Authority

GLOSSARY

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

"Parking Authority" - refers to the City of New Brunswick Parking Authority.

"Qualification Statement" - refers to the complete responses to this RFQ submitted by the Respondents.

"Qualified Respondent" - refers to those Respondents who (in the sole judgment of the Parking Authority) have satisfied the qualification criteria set forth in this RFQ.

"RFQ" - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

"Respondent" or "Respondents" - refers to the interested firm(s) that submit a Qualification Statement.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

The Parking Authority is soliciting Qualification Statements from interested firms that can provide all requested legal services, as Labor Attorney in the following areas of legal expertise: representing public entities in the management side legal and labor relations issues including but not limited to, negotiation of collective bargaining agreements and individual contracts, interest arbitration, grievance arbitration, preparation and filing of disciplinary charges, trial of contested disciplinary matters, Employer-Employee Relations Act, ADA and FMLA, PERC Policies and Procedures, and rendering of advice to department heads and personnel/human resource officials concerning employment related matters. Labor attorney should be available for consultation on a daily basis. Respondents should be licensed to practice law in the State of New Jersey and be a member of the Bar of the State of NJ in good standing.

. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the Parking Authority with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Parking Authority 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 Parking Authority). The Parking Authority 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 Parking Authority to provide the greatest benefit to the residents of New Brunswick.

1.2. Procurement Process and Schedule.

The selection of Qualified Respondents is not subject to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The selection is subject to the "New Jersey Local Unit Pay-to-Play" Law, N.J.S.A. 19:44A-20.4 et seq., however. The Parking Authority 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 Parking Authority and its legal 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 Parking Authority 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 Parking Authority) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Parking Authority.

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 Parking Authority 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 Parking Authority's Designated Contact Person, in writing.

Designated Contact Person:

Mr. Mitchell Karon
Executive Director
New Brunswick Parking Authority
106 Somerset Street, Floor 6
New Brunswick, NJ 08901

Qualification Statements must be submitted to, and be received by, the Parking Authority, via mail or hand delivery, by 1:00 p.m. Prevailing Time on January

11, 2019. Qualification Statements will not be accepted by facsimile transmission or e-mail.

Subsequent to issuance of this RFQ, the Parking Authority (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 Parking Authority.

TABLE 1

ANTICIPATED PROCUREMENT SCHEDULE

	ACTIVITY	DATE
1.	Issuance of Request for Qualifications	December 4, 2018
2.	Receipt of Qualification Statements	January 11, 2019
3.	Opening of Bids	January 11, 2019
4.	Review Team Analysis of Bids	January 16, 2019
5.	Parking Authority Review of Review Team Recommendations	January 18, 2019
6.	Designation of Qualified Respondents	January 18, 2019

Section 1.3. 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 Parking Authority 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 Parking Authority 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 Parking Authority 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 Parking Authority 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 Parking Authority and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Parking Authority (in the exercise of its sole discretion) in accordance with law.
- The Parking Authority may request Respondents to send representatives to the Parking Authority for interviews.
- **Any and all Qualification Statements not received by the Parking Authority by 1:00 p.m. Prevailing Time on January 11, 2019 will be rejected.**
- Neither the Parking Authority, 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.

Section 1.4. Rights of Parking Authority.

The Parking Authority 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 Parking Authority 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 Parking Authority may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

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

1.5 Addenda or Amendments to RFQ.

During the period provided for the preparation of responses to the RFQ, the Parking Authority may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Parking Authority 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.

1.6 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 Parking Authority, 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.

1.7 Proposal Format.

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

Responses which in the judgment of the Parking Authority 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 SERVICES

It is the intent of the Parking Authority to solicit Qualification Statements from Respondents that have expertise in the provision of legal services for the position of Labor Attorney in the following areas of legal expertise: representing public entities in the management side legal and labor relations issues including but not limited to, negotiation of collective bargaining agreements and individual contracts, interest arbitration, grievance arbitration, preparation and filing of disciplinary charges, trial of contested disciplinary matters, Employer-Employee Relations Act, ADA and FMLA, PERC Policies and Procedures, and rendering of advice to department heads and personnel/human resource officials concerning employment related matters. Labor attorney should be available for consultation on a daily basis. Respondents should be licensed to practice law in the State of New Jersey and be a member of the Bar of the State of NJ in good standing.

. Firms and/or persons responding to this RFQ shall be able to demonstrate that they will have the continuing capabilities to perform these services.

SECTION 3

SUBMISSION REQUIREMENTS

Section 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.

Section 3.2 Administrative Information Requirements.

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

1. An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement.
2. An executed Letter of Qualification (See Appendix A to this RFQ).
3. 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.
4. 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" means 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.
 - (d) A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance (See Exhibit A).
5. An executed Letter of Intent (See Appendix B).
 6. The number of years your organization has been in business under the present name.
 7. The number of years the business organization has been under the current management.
 8. A statement that the Respondent is in compliance with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
 9. Any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
 10. 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.

11. Confirm appropriate federal and state licenses to perform activities.

Section 3.3 Professional Information Requirements.

a. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:

1. Description and scope of work by Respondent
2. Name, address and contact information of references
3. Explanation of perceived relevance of the experience to the RFQ

b. Describe the services that Respondent would perform directly.

c. 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.

d. Does the Respondent normally employ union or non-union employees?

e. Resumes of key employees

f. A narrative statement of the Respondent's understanding of the Parking Authority's needs and goals.

g. List all immediate relatives of Principal(s) of Respondent who are Parking Authority employees or elected officials of the City. 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

INSTRUCTIONS TO RESPONDENTS

4.1 Submission of Qualification Statements.

Respondents must submit an original and five (5) copies of their Qualification Statement to the Designated Contact Person:

Mr. Mitchell Karon
Executive Director
New Brunswick Parking Authority
106 Somerset Street, Floor 6
New Brunswick, NJ 08901

Qualification Statements must be received by the Parking Authority no later than 1:00 p.m. (prevailing time) on January 11, 2019, and must be mailed or hand-delivered. Qualification Statements forwarded by facsimile or e-mail will not be accepted. Qualification statements received after this time will not be considered. The Parking Authority 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 Parking Authority'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 New Brunswick. The Parking Authority will consider Qualification Statements only from firms or organizations that, in the Parking Authority's judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the Parking Authority in the manner described in this RFQ.

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

1. Experience and reputation in the field;
2. Knowledge of the Parking Authority and the subject matter addressed under the contract;
3. Availability to accommodate the required meetings of the Parking Authority; and
4. Other factors demonstrated to be in the best interest of the Parking Authority.

APPENDIX A

LETTER OF QUALIFICATION

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

[insert date]

Mr. Mitchell Karon
Executive Director
New Brunswick Parking Authority
106 Somerset Street, Floor 6
New Brunswick, NJ 08901

Dear Mr. Karon:

The undersigned has/have reviewed my/our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the City of New Brunswick Parking Authority ("Parking Authority"), dated December 4, 2018, in connection with the Parking Authority's need for Labor Attorney licensed to practice law in the State of New Jersey and a member of the Bar of the State of NJ in good standing, specializing in public sector labor relations. The applicant shall have at least three (3) years of experience as a labor attorney representing public entities in the management side legal and labor relations issues including but not limited to, negotiation of collective bargaining agreements and individual contracts, interest arbitration, grievance arbitration, preparation and filing of disciplinary charges, trial of contested disciplinary matters, Employer-Employee Relations Act, ADA and FMLA, PERC Policies and Procedures, and rendering of advice to department heads and personnel/human resource officials concerning employment related matters. Labor attorney should be available for consultation on a daily basis.

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.)

(Signature of Chief
Executive Officer)

(Signature of Chief
Financial Officer)

(Typed Name and Title)

(Typed name and Title)

(Type Name of Firm)*

(Type Name of Firm)*

Dated: _____

Dated: _____

* 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

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

[insert date]

Mr. Mitchell Karon
Executive Director
New Brunswick Parking Authority
106 Somerset Street, Floor 6
New Brunswick, NJ 08901

Dear Mr. Karon:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the City of New Brunswick Parking Authority ("Parking Authority"), dated December 4, 2018, in connection with the Parking Authority's need for Labor Attorney licensed to practice law in the State of New Jersey and a member of the Bar of the State of NJ in good standing, specializing in public sector labor relations. The applicant shall have at least three (3) years of experience as a labor attorney representing public entities in the management side legal and labor relations issues including but not limited to, negotiation of collective bargaining agreements and individual contracts, interest arbitration, grievance arbitration, preparation and filing of disciplinary charges, trial of contested disciplinary matters, Employer-Employee Relations Act, ADA and FMLA, PERC Policies and Procedures, and rendering of advice to department heads and personnel/human resource officials concerning employment related matters. Labor attorney should be available for consultation on a daily basis.

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.

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

3. (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.

4. (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 Parking Authority. (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.

6. (Name of Respondent) acknowledges and agrees that the Parking Authority may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Parking Authority shall have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.

7. (Name of Respondent) acknowledges 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)*

Dated: _____

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

PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY NOTICE
(N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.)

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

This form is a summary of the successful professional service entity's requirement to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

The successful professional service entity shall submit to the PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

- (a) A photocopy of a valid letter that the vendor is operating under an existing Federally approved, or sanctioned affirmative action program (good for one year from the date of the letter);
OR
- (b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-1.1 et seq.;
OR
- (c) A photocopy of an Employee Information Report (Form AA302) provided by the Division of Contract Compliance and distributed to the PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK to be completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Employee Information Report (AA302) from the PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK during normal business hours.

The successful professional service entities must submit one copy of the AA302 (Employee Information Report) to each of the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts Division. One copy is submitted to the PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK, and a Vendor copy is to be retained by the professional service entity.

The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.

The undersigned professional service entity further understands that his/her submission shall be rejected as non-responsive if said professional service entity fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

COMPANY: _____
SIGNATURE: _____ PRINT NAME: _____
TITLE: _____ DATE: _____

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

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE 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:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance 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 Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

(REVISED 4/10)